Politics of Orality

(ORALITY AND LITERACY IN ANCIENT GREECE, VOL. 6)

EDITED BY

CRAIG COOPER

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POLITICS OF ORALITY

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PREFACE

In July 1995, the first conference on Orality and Literacy in Ancient Greece was held at the University of Tasmania in Australia. The conference was organized by Ian Worthington in response to a growing interest in how oral or literate Greek culture was. The interdisciplinary nature of the conference was so well received that subsequent conferences followed on a biennial basis: University of Natal, South Africa (1996); Victoria University, Wellington, New Zealand (1998); University of Missouri–Columbia, USA (2000); the University of Melbourne, Australia (2002) and at the University of Winnipeg, Canada (2004). The Seventh in the series is scheduled for July 2006 at the University of Auckland, New Zealand on the theme: Orality, Literacy and Memory. Over the course of the years the conferences have remained interdisciplinary but have also become increasingly cross cultural, something that was especially evident with the Winnipeg conference, when a whole panel was dedicated to discussing First Nations issues related to the theme of the conference: the Politics of Orality. Convened by Dr. George Fulford of Anthropology at the University of Winnipeg, the panel consisted both of members of the Aboriginal community and academics working on Aboriginal issues. In many respects this panel, which focussed on the Cree cultures of Ontario, Manitoba and Saskatchewan, was the highlight of the conference, challenging Classical scholars to think in new ways about the interplay between orality and literacy. I highlight a few things that stand out in my own recollection from that oral dialogue.

In a literate culture traditions become authenticated by being written down and fixed in writing. In a predominately oral culture like Cree, where individuals grow up with storytelling, traditions preserved in stories are authenticated aurally. When a younger member of a community wishes to retell a story, he seeks the verbal permission of the storyteller; often that storyteller is present at the retelling to ensure the accuracy of the story, or the elders of the community are there to observe and offer corrections. In this way a tradition is both authenticated and faithfully passed down from generation to generation from storyteller to storyteller. At present, however, the Cree community faces a challenge in reaching the current generation with its stories. There

is an ongoing debate within the Cree community over whether or not such stories should be recorded on the Web to reach the younger generation, who, raised on Nintendo and Play Station, may not listen to stories in their traditional format; and if they are to be told in a new format, what stories should be recorded? Are some stories too sacred to be recorded at all and what makes one story more sacred than another? As the province of Manitoba moves forward in establishing a University College of the North, what place can be found for oral traditions of First Nations in the Academy, which is primarily a literate culture that advertises its achievements through writing? And for academics who study and transcribe Cree stories into written form, though these stories now reach a new audience (like the recordings on the Web) there remains the nagging question as to what is lost in the translation, when stories are shorn from their oral context and replaced by a permanent written or audio record. The challenge of literacy on Cree stories comes in other guises. How do governments, which establish rights and award compensation for lost land through written agreements, take into account grievances told through stories by those affected by these written agreements? In some cases they seem not to at all. But the interplay between literacy and orality has not been all bad for the Cree. In the 1800's there was, in fact, a high level of syllabic literacy among the Cree of the Hudson Bay that aided in the rapid dissemination of stories by Cree prophets to scattered communities along the bay, but this was a form of oral literacy, where communication continued to remain oral as prophecies were retold from community to community.

This recollection of our discussion, however imperfect (I have no storyteller or elder to watch over me), of the ongoing debate among the Cree over the continuing value of oral communication in face of our Western bias toward literacy captures well the theme of the Winnipeg conference: the Politics of Orality. The purpose of the conference was to explore the tensions and controversies that arise as a society moves, however incompletely, from an oral to a literate culture. In Athens, for instance, the new technology of writing became a tool of power exploited both by the democracy to assert its authority over leadership and by the literate elite for their own educational purposes. In the former case, personnel lists, which require only a basic level of literacy to comprehend, could provide Athens with the means to improve its military capabilities and at the same time assure its citizens of the accountability of its generals (Bakewell). On the other hand, the new genres of history and prose encomium, which require a much higher

level of literacy for comprehension, restricted the moral advice that these works offered to a narrower audience and came to replace traditional oral poetry, which was now available to the common masses, as the medium of education for the elite (Pownall). Indeed there was a push on in Athens to establish official texts, earlier of Homer and later in the Fourth Century of the tragic poets. The creation of official texts, by which a state could define a particular genre of poetry like tragedy as civic property, was a "gesture of power and control". State ownership thus institutionalized "tragedy as a unique cultural possession and source of education for the Athenian state" (Scodel).

This struggle for control of texts can partly explain the ambivalence felt in some circles both in Athens and elsewhere about the value of writing, which made information more widely and indiscriminately available. Certain poets, like Theognis, felt unease with the new medium of communication, which they regarded as inferior to oral communication but necessary to prevent the corruption and reappropriation of their own poetry that ironically had become more widely accessible through writing. Since oral transmission could no longer guarantee that poetry was the cultural property of the elite alone, writing became, as it were, the seal of ownership preventing the baser elements of society from claiming it as their own (Hubbard). For philosophers like Plato, writing was, however, a trivial product of mass culture and as such was an inadequate "vehicle for expressing the highest knowledge" (Finkelberg). Oral discourse became the best way to practise philosophy and express one's political and philosophical opposition to tyranny. Later stoics like Musonius Rufus "practised a Socratic method of oral exchange with his students"; his works survive only as discourses recorded by his students. Most record a question raised to the philosopher and his oral response. These discourses suggest how Musonius' "oral politics" challenged the authority of Nero and his successors (Slater). In Zoroastrianism oral transmission was thought to guarantee better control over who would learn scripture. Likewise, Gnosticism placed a higher value on oral tradition to which they restricted access. In the battle for the souls of men, the emerging church responded by forming a scriptural canon that could be widely accessible through the medium of the codex. "In early Christianity the written text was conceived as a mass medium … opposed to the elitist medium of orality" (Finkelberg).

This ambivalence toward the new medium of communication was not restricted to elite circles alone. On the one hand, Thucydides,

whose own history was based on autopsy and oral sources, explicitly states that he committed his work to writing since that could best preserve a record of the truth. Oral reports can be bias and imperfect. A written record is, however, permanent and can thus be thoroughly scrutinized, especially one intended for utility and not pleasure (1.22.3–4). Thucydides' recognition of the advantages of written over oral communication is evident in his treatment of Nicias' letter (7.8.2), which could not be distorted through faulty memory or lack of objectivity on the part of the messenger (Morrison). But Thucydides' confidence in writing was not shared by all Athenians. In the case of letter writing Euripides explores in more than one play the inadequacies of the new medium as a means to effect change and control the future. Letters prove ineffective tools of communication. As opposed to oral communication, letter writing cannot anticipate and respond to changing circumstances; it cannot add to its instruction because of the fixed nature of the medium. But it is this rigidity that encourages the very illusion of power and control, and Euripides seems to question the Athenians' growing reliance on written texts "as artefacts to bolster their impression of control." In the end the faith that Nicias placed in his letter proved misplaced as he failed to achieve his objective (Griffiths).

This reluctance to embrace the new technology of writing wholeheartedly can be seen even in the area of Athenian law. Though a much greater importance was attached to writing by the Fourth Century in Athenian legal procedures, the oral component always remained and continued to influence the Athenian approach to law. This can be seen in contract law. "The Athenian contract never ventured far from the 'real' transaction," the exchange of goods that makes the obligations binding. Although terms of agreement are always in writing, "the legally decisive moment is the oral acknowledgement of the transaction at hand" upon the written terms. Witnesses are present not to authenticate the document but to verify what had been orally agreed upon. In fact, it was not even necessary for all the parties involved in the agreement to read or understand the document. In Athenian law, since a contract was only binding once there had been an exchange of goods or money, there was also no suit available to void a contract, when there was a breach of promise, as we find in Roman or Common law which took a literate approach to law; the only remedy in Athenian law was for actual loss. In Athens "legal remedies developed with situational thinking characteristic of oral cultures, and even after written instruments were standard the Athenians were slow to intro-

duce literate-minded abstractions into their legal reasoning" (Carawan). Even to achieve the rule of law, which was seen as a hallmark of Athenian democracy, orality was essential. It is thought that the rule of law exists only when the three following principles are in place: a set of authoritative rules, the principle that no one, including magistrates, is above the law and finally consistency in the application of the law. The first two principles were achieved in Athens but there is some question whether Athenian courts could ever achieve consistency in the application of the law, since the Athenians did not keep detailed written records of previous decisions. Though court records were extremely laconic, there were available to the courts "oral resources to achieve consistency." In cases where legal issues arise, litigants often appeal to precedent, relying on public memory of cases that have recently come before the courts or of celebrated notoriety (Harris).

Despite its perceived limitations, the medium of writing was repeatedly exploited, particularly for political ends; this we can see in such diverse contexts as Senatorial politics of Republican Rome, political trials of Fourth Century democratic Athens and in the attempts by early Fifth Century Athenian leaders to reshape their own history. As Rome began to expand during the Second Century BCE, a struggle developed between the Roman Senate and the generals in the field over control of foreign policy, a struggle, as it were, between an oral and literate approach to diplomacy. Traditionally Romans relied on oral procedures to cement agreements with their defeated enemies. A general's *imperium* gave him the power to conclude a truce through a *sponsio* or negotiate an unconditional surrender through a *deditio*, without communicating with Rome or the Senate. Both were question and answer ceremonies that were orally and aurally sealed by the participating parties. In the case of the *sponsio*, it "was an oral promise to abide by the terms of a truce that was sealed by an oath," something that prevented the Senate from reneging on the sealed promise. During the course of the Second Century these oral procedures which were bilateral in nature began to lose their importance and were replaced by Senatorial decrees, which were unilateral declarations imposing conditions on the enemy without needing any oral response. The general was now confined to reading out the Senatorial decree (Zollschan).

In Athens writing was used to manipulate myth for political ends. Athens' own position in the *Iliad* "was strengthened when the oral text was standardized" (Griffiths). Unlike other types of poetry, which were quoted from memory by Aeschines, written texts of Homer were intro-

duced as evidence and read out by the clerk of the court. The presence of the document in court served to authenticate a particular reading of Homer that supported Aeschines' arguments. The written text gave those verses authority that could be strategically exploited by him to advance his argument against his political opponent, Timarchus (Olding). By rewriting myth Athenians could even reshape their own history for political ends. During the Fifth Century Theseus acquired the attributes of Heracles and this new image of the hero became fixed in art and drama. "Exploiting the malleability of an oral tradition to change history" the Athenians stopped the process of mythopoesis by fixing that "new" history in writing, "shifting from fluid orality to a more rigid literate tradition" (Griffiths). Over the course of the fifth and fourth centuries Theseus also came to be regarded as the founder of the Athenian democracy. Politically motivated leaders promoted through writing an official history that set the creation of their *politeia* in the heroic past. As a result Cleisthenes was deliberately forgotten as the founder of the democracy. The inscription on his tomb seems only to credit him with creating the ten tribes. The official line instead held that Solon was responsible for codifying the laws and Theseus for creating the actual *politeia*. The official version of an heroic origin for the Athenian democracy circulated as early as the Fifth Century, appearing in the tragedies of Euripides and Aeschylus, and may in fact have originated with Cleisthenes and his associates who wished to allay any suspicion of revolution and instead suggest that his reforms were simply a return to an older order that had been illegitimately interrupted by the tyranny. Indeed the promotion of the tradition of the Tyrant slayers, Harmodius and Aristogeiton, should also be understood in this context. Soon after Cleisthenes' reforms had been instituted, statues of the pair appeared in the agora, bearing an inscription that presented them as liberators. A similar message appeared in the epigram on their grave. "In words invested with all the authority and permanence of stone, these inscriptions enjoined the Athenians to embrace a new way of looking at their past." The fact that the Tyrannicide tradition "was visually and verbally articulated on state monuments gave it a force and a resilience" with which no orally transmitted memory could compete (Anderson).

But oral communication could still play a crucial role in promoting the official line. Funeral orations, which commemorated the fallen in war, when they praised Athens' glorious past, often projected the creation of democracy back into the legendary past and so "served as a

kind of oral state archive in the absence of any official written records of Athenian history" (Anderson). The funeral oration did more than commemorate Athens; it also honoured the dead and in Greek culture commemorating the dead with a funeral inscription was one of the earliest uses made of writing. But it seems that inscriptions served as a form of oral literacy that allowed the reader to sound out the letters and replicate the oral performance of the epigram recorded on stone.

That is precisely how the Greek alphabet came to be used in Syro-Mesopotamian and Egyptian cultures as a response to the pressure of Hellenization. Greek rule, which disenfranchised the traditional elite of these cultures, also displaced the social structures of the palace and temple, wherein the indigenous literacy of that elite functioned. As the new language of power, Greek began to replace "the traditional language of these institutions," which had once been centres of authority; "this had the unavoidable effect of displacing the traditional writing systems associated with these indigenous languages." What began to appear in response to this shift of power are Greek transliterated texts of indigenous languages associated with the old institutions of authority. We find transliterations by a bilingual writer of Babylonian cuneiform texts of prayers, hymns and incantations, genres that were the purview of scribes associated with the temples and court. Written Coptic, which was a Greek transliteration of late Egyptian, was the product of a bilingual scriptorium. The oldest Coptic texts consist of ritual texts; the Greek in these texts was used to facilitate the accurate pronunciation of the words for the oral performance of the ritual texts. The same is true of Demotic ritual texts: Greek transliterations, which either appear above the Demotic as a gloss or in the text itself to spell out a foreign word, ensure the accurate pronunciation of the Demotic in a ritual context. Eventually full transliterations of complete rituals would appear, thus allowing someone who was literate in Greek but not Demotic to reproduce the sounds of a language in which they possessed little or no facility. By this point the traditional ritual language was in decline and the institutional authority of the Egyptian priests on which it was based; with these transliterated texts the priests tried to stake out for themselves "a new social role as itinerant masters of ritual lore"; the texts were "an attempt to reposition an inheritance of traditional learning in new and changed socio-cultural circumstances" (Martin).

I conclude this discursive summary at the beginning both in terms of the arrangement of this collection and the point at which studies in orality and literacy began, with Homer and epic. Epic is about stories

and stories "impose a structure on our own experience"; they define us and "reflect cultural differences between ourselves and others, both across and within societies." One difference relates to gender. Men and women tell stories differently, both "in theme and content, in presentation, and in the relationship which the storyteller develops with his or her audience." "Homer reveals consistent gender differences in his representation of storytelling by men and women," because, it seems, he observed such differences in storytelling in the world around him, and in his desire for authenticity replicated the different thematic choices that men and women would make and their "gender-preferred habits of presentation" (Munchin). One way in which stories can define us and our cultural differences, is the political dimension that they assume. In some cultures, like the Banyanga, variant tellings of a received epic tradition can be "a crucial site for cultural reflection and analysis," the varied voices of political debate within a community. The Mwindo epic suggests that "political succession stands at the nexus of all social and familial relations" of Banyangan culture. Each of the oral variants of the epic gives a different take on the political difficulties with succession and offer up strategies for change (King).

Variants in the form of "double readings, luxuriant ornamentation, free digressions, flexible catalogues are the organic parts of rhapsodic workmanship." Because the *Homeric Hymns* remained in the hands of rhapsodes for a much longer time and did not receive the same kind of editorial treatment by Alexandrian scholars as the *Iliad* and *Odyssey*, doublets preserved in medieval manuscripts, papyri or indirect tradition can reveal certain aspects of the rhapsodes' work, particular their skill at adapting a tale to the context of a new performance. There was never "a fully accomplished text" of the *Homeric Hymns* (Ferrari), and what this means is that scholars must approach the hymns in a different manner when it comes to constructing anything like a critical edition. Scholars must also free themselves of preconceived notions as to what constitutes oral poetry. "The discussion of orality has been burdened with more than its share of ideological baggage" that has limited "our understanding of the nature of orality and of its relation to and interaction with literacy." Though Sumerian and Akkadian poetry is oral in origin and formulaic in nature, it does not rely on the use of formula as it was defined by Parry. Rather the devices of repetition and parallelism form the "constitutive structure" of both Sumerian and Akkadian poetry. This alone confirms "the parochial nature of Parry's definition of formula" which may apply to Homeric epic "but not to much

of the world's oral poetic and parapoetic texts, whether in recent and contemporary living traditions or captured in the written documents of traditions long since vanished." Likewise, Parry and Lord's central criterion of orality, "composition-in-performance," that is oral improvisation, does not apply to Mesopotamian oral poetry. "Mesopotamian poems were the result of premeditated oral composition"; they were transmitted orally in fixed form and were not re-created with each performance. Even when a written record of the poem was kept, the transmission remained oral. Writing was used only as a record of the living performance and not the means of composition. "This type of premeditated and polished composition prior to performance" is characteristic of most oral traditions, whether from the ancient or the modern world, and this fact recalls at once the Cree model of storytelling. "If we are to approach the question of orality in Greek epic with all the tools at our disposal," we must not ignore other oral traditions (Teffeteller).

This discursive summary represents, as it were, the story of the Winnipeg conference, capturing, I hope, some of the debate that went on there. The collection of papers that follows stands as the storyteller, watching over me to determine whether I have faithfully and accurately retold that story.

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PART I

EPIC, ORALITY AND POLITICS

THE LANGUAGE OF HEROES AND THE LANGUAGE OF HEROINES: STORYTELLING IN ORAL TRADITIONAL EPIC

Elizabeth Minchin

When one of the participants in a conversation begins to tell a story, the rest of us immediately fall silent. We yield the floor to the storyteller.[1] We do this because we have all learned, from early childhood, to recognize stories and to respect them. We recognize stories because they differ significantly in their structure from the talk that surrounds them: whether we are aware of it or not, we respond to the signals that herald a story (in the first instance, some so-called entrance talk and a résumé or abstract), which are designed to catch our attention before the story proper begins.[2] We also respect stories. They are not interruptible. This is because they are judged important, both to the teller and to the audience.

We tell stories for many reasons, but their primary roles are to help us impose a structure on our own experience, and to give us a format for sharing our experience with others. What is interesting from a sociolinguistic point of view is that the stories we tell define us: they place us in a particular social and cultural world.[3] Our stories reflect cultural differences between ourselves and others, both within and across societies.[4] One class of differences relates to the gender of the storyteller. In the western world today we can recognize differences between the stories that men tell and those that women tell: differences in theme and content, in presentation, and in the relationship which the storyteller develops with his or her audience. As Jennifer Coates observes,

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[1] On the responses of participants in a conversation when a story is introduced, see Coates 1996: 95–96.

[2] For discussion of the series of moves which make up a story and the function of each one, see Labov 1972: chap. 9, at 362–370; on entrance talk and exit talk, see Polanyi 1982. On this sequence in the context of Homer, see Minchin 2001: 17–22 and chap. 6.

[3] Coates 2003: 5, 7, and 22. This volume, the first in-depth study of storytelling in all-male conversations in English-speaking cultures, compares the storytelling practices of men and women.

[4] Coates 2003: 38.

when men and women tell stories they are "performing" gender. When a man wants to project masculinity he will choose particular story-themes and tell his stories in a way he considers appropriate to his gender group; women, likewise, may use their stories to construct and maintain their "femininity." We should bear in mind, too, that women and men will choose at times not to conform to stereotype; thus not all men's or women's stories will conform to the typical.[5]

If we look to the ancient world will we find there too features which distinguish the stories of men from women? Thanks to the efforts of a number of scholars over recent decades, we have a greater appreciation of the discourse styles of men in that world, and we are beginning now to "hear" women's voices too in a number of genres.[6] What is remarkable, however, is that there has been little commentary on the language of the women, as distinct from the language of the men, who appear in the Homeric epics.[7] Is this because scholars suspect that men's and women's naturally-occurring speaking patterns (that is, in everyday conversation) may have been homogenized or even distorted in the course of oral performance? This may be so.[8] But this reservation should not affect the present project, in which I ask whether Homer reveals consistent gender differences in his representation of storytelling by men and by women.[9] The broader questions which underpin this work are questions both sociolinguistic and poetic. Although we are constrained to some extent by the size of the sample,[10] I am asking whether poets in

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[5] Coates 2003: 38. See also Johnson 1997: 21–24.

[6] On speech in general, note Griffin 1986; Martin 1989. On women's speech see Alexiou 2002; Bain 1984; McClure 1999; Lardinois and McClure 2001; and Willi 2003: chap. 6 ("Female Speech"). McClure (1999: 6–11) provides an excellent survey of sociolinguistic and ethnographic principles for reading women's speech.

[7] I cite as an exception Worman 1999: 19–37.

[8] For example, Bain (1984: 27) expresses his reservations about efforts to identify female speech or female syntax in Homer.

[9] I have selected this task not because I expect that the results thrown up by a study of storytelling in the Homeric corpus will replicate the results of studies of storytelling in today's English-speaking world, but because it appears to be a useful starting-point in an investigation of discourse and gender. A related topic has been discussed by Doherty (1995a) who tells us (23) that her approach to the narratives of men and women in the *Odyssey* is "chiefly based on textual analysis". Although I agree with many of her conclusions, I suggest that she has been limited by her approach to the question. Because she does not take into account what happens in everyday conversation, she occasionally misjudges the intentions of the poet. For further discussion, see below.

[10] The overall quantity of text devoted to direct discourse is 15,386 lines (of a total of 27,803 lines). Of all direct discourse in the *Iliad* 13.9 % is allocated to women (gods and mortal women); in the *Odyssey* women (gods and mortal women) are allocated 19.6 %

this tradition may have been aware of differences in the talk of men and women in the world around them and whether they made any attempt to exploit the resources of the oral traditional repertoire to realize these differences in song. I see this as a project which can enrich our understanding of the scope and flexibility of this particular oral tradition; it will help us in our interpretation of the Homeric texts; it will shed light on certain aspects of Greek social relationships; and it will test a number of sociolinguistic assumptions about male and female relationships in the context of another (admittedly, idealized) culture. This study may qualify as a report on the micro-politics of language use in Homer's world.[11]

Men's and Women's Storytelling in Western Society Today

In our own middle-class Western cultures women tell more stories than men. In the corpus of everyday talk built up by Jennifer Coates, for example, every all-female conversation contains narrative, whereas some all-male conversations contain none.[12] For women the production of narrative—that is, storytelling—is at the heart of what they do when they talk.[13] As for narrative content, it is clear that women and men have different ideas about what counts as tellable. Themes typical of men's stories are contest, conflict, the demonstration of skill, achievement, and heroism; and the topics of their tales are typically drinking, travel, technology, fighting, and sport.[14] Their stories—often first-person narratives—will concern winning an argument, making a good move on the sports field, or surviving an ordeal. Many of these

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of the total quantity of speech. The sample is sufficiently large for us to be able to draw tentative conclusions about women's speech in Homer. It is somewhat larger than Bain's Menander sample of 346 lines (8.48 %) in 4080 lines in total: see Bain 1984: 31.

[11] See Thorne and Henley 1975: "Introduction," at 15.

[12] Coates 2003: 115. This does not imply that women talk more than men in all contexts. They do not: see Holmes 1998: 461–483; and see further below. The women who contributed to Coates' corpus of 68 women's stories are from a white, upper working to upper middle class background; their ages range from 12 to mid-50s (1996: 17–18). The men whose stories she studied (68 stories) are from across upper, middle and working classes, ranging in age from 15 to, at least, late middle age (Coates 2003: 7–13).

[13] Johnstone: 1990: 8. For women, talking is action; it is the kind of thing that women "do" together: see Coates 1996: 44–45.

[14] Coates 2003: 44.

stories could be described as boastful. Indeed, even when things go wrong in the story-world, the storyteller will frame his account as a boast (how he survived against all odds). That is, the focus of men's stories is on achievement. These tales are not designed to reveal feelings or even to lead into talk in which feelings might be compared and discussed;[15] in fact, there is a careful avoidance of personal revelation. By contrast, the subject-matter of women's stories is the ordinary and the everyday. Their stories more often take as their subjects the routines, rhythms, and rituals of everyday life.[16] Many are stories of self-disclosure, in which a woman shows herself to have been inadequate or vulnerable, afraid or embarrassed.[17] Indeed, it is difficult to find women's achievement stories.[18] Women generally do not emerge as "heroes" in their own tales—or, if they do, their triumphs will be restricted to the domestic environment.[19]

There are differences too in the worlds in which the tales of men and women are set. The majority of stories told by men are set in the outside world.[20] For men the home is the least favoured setting. Their stories, generally speaking, portray a world which is peopled by men; women are peripheral.[21] Men are generally the protagonists in their own tales; their stories are "self-orientated." By contrast, most stories told by women are set in the home. The domestic settings of women's stories are linked to the themes of the tales they choose to tell and the priority that they choose to give to home-life and relationships, to

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[15] Coates 2003: 73; indeed, men's stories about relationships or family life are rare (Coates 2003: 112).

[16] Coates 1996: 49–55, 99. This is so, even in today's world, in which so many women work outside the home.

[17] Coates 2003: 35, 120. Embarrassment or fear are common topics (20 % of Coates' corpus of 68 women's stories take these topics as their subject, in comparison with 2 % of her corpus of 68 men's stories). Why are women prepared to reveal their weaknesses? Coates suggests (Coates 2003: 120) that self-disclosure is likely to evoke self-disclosure in one's (female) listeners. The speaker finds support and empathy amongst her listeners, who will tell similar tales. For examples of women's narratives, see Coates 1996: chap. 5. Coates (2003: 37) suggests that such stories would fail if they were told before an all-male audience. They lack themes central to men's stories: heroism, contest, and demonstration of skill.

[18] According to Coates (2003: 116), 46 % of her corpus of 68 stories told by men focussed on individual achievement; only 6 % of women's stories were about personal success.

[19] Coates 1996: 99.

[20] Coates 2003: 117.

[21] Coates 2003: 45: of the 68 stories in Coates' corpus of men's stories 94 % have male protagonists and 72 % depict an all-male world.

friends and family. Men are a significant presence in women's stories.[22] Women view themselves as being linked to men in the real world; and they assert these links in their stories. A majority of stories told by women will be, like those of men, first-person stories; but, unlike male narrators, women do not necessarily present themselves as the focus of the story. Women's stories are "other-orientated"; they underplay the protagonists' personal roles and they emphasize social and mutual dependence.[23] Finally, there are significant differences in the temporal settings of men's and women's stories. Whereas women's stories refer to incidents from that very day or from the recent past, many stories told by men refer to events long past.[24] Coates argues that this male preoccupation with the distant past is connected to a man's desire to present himself as an achiever, as the sort of person who engages in contests and wins.[25] He therefore draws on a repertoire of tales that he has built up over his lifetime. This preference for the past has certain consequences. As Coates notes, when a story is set in the remote past emotional closeness between storyteller and audience is difficult to achieve. When, by contrast, a story draws on the events of the day, when the storyteller and her audience share, as it were, a still-fresh experience, there is far greater scope for emotional rapport.[26] It seems that empathy of this kind, so important to women, is less important to male speakers.[27]

Storytellers know, almost instinctively, that details of time and place ground a story in truth. Through such details a story gains authenticity.[28] Careful attention to detail is an important feature of men's storytelling, as is their readiness to focus in their stories on things: on tools, implements, and objects. So we observe a preference amongst men for technical vocabulary, which by its presence confirms the authority of the speaker and the truth of the tale. But this concentration on objects and accuracy of detail comes at the expense of the human dimension. In men's stories characters often remain nameless; characterization is generally thin; and, remarkably, there is little or no representation of

[22] As Coates (2003: 121) notes, 86% of the narratives in her corpus of all-female conversation involve men and women.

[23] Johnstone 1990: 66.

[24] Coates 2003: 117.

[25] Coates 2003: 118.

[26] Coates 2003: 118.

[27] Coates 2003: 118.

[28] Coates 2003: 45 and 110. See also Tannen 1989: 138–140.

direct speech. Their actors are not allowed to speak for themselves.[29] When women tell stories they name their characters; they flesh them out (motives are important in their stories); and they are more likely to re-enact their own and others' speech, even at length.[30]

One crucial factor in storytelling is the audience. Indeed, it would be more accurate to say that what is crucial is storytellers' awareness of their audience. Good storytellers tailor their stories to the preferences of their listeners. This aspect of storytelling is termed recipient-design.[31] When men tell stories in all-male groups, their stories are as I have described them above: rich in fact and detail, deficient in information about emotional response and reflective commentary. Women in all-women groups place more emphasis on obtaining their listeners' sympathy and understanding for the social and, indeed, personal aspects of the events they narrate. But when men speak in mixed groups, that is, when they tell stories in groups that include men and women, they are sensitive to the different composition of their audience. Coates notes, first, that the topics and themes of their stories remain the same; even in mixed groups men tell tales of achievement.[32] But she notes also that when they tell stories in mixed groups men may set out, as women do, to elicit the sympathy of their listeners; and, when they tell first-person stories, they may orientate their tales to female expectations by including details of emotional responses.[33] The presence of women has another significant effect on men's storytelling: women encourage men to talk at length.[34] It has been observed that male speakers feel no embarrassment about holding the floor for long periods in all-male groups.[35] The fact that they are ready to dominate the floor in mixed groups also, by telling much longer stories than women do, is evidence of men's higher social status and greater power *vis-à-vis* women; and testimony to the fact that women collude in preserving the *status quo*.

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[29] Johnstone 1990: 68 and 75.

[30] Johnstone 1990: 68 and 75.

[31] For the first use of the term, see Sacks 1995: 2, 44; Coates 2003: 143.

[32] See Coates 2003: 147, 155, 171–172.

[33] Coates 2003: 143–149, at 149.

[34] Women also are prepared to talk at length, but *only* in all-women groups (for examples of long stories in all-women conversations, see Coates 1996: 33–36). They are reluctant to take the floor for long periods in mixed talk.

[35] Coates 2003: 143, 147. It is recognized that men consistently talk more than women in public settings: see Holmes 1992. To glance at the literate world for a moment, this disparity holds even in the electronic medium of email: see Herring, Johnson, DiBenedetto 1998.

If we were to examine, under test conditions, a collection of stories told by men and by women, it would be possible in most cases to identify the gender of the narrator, on the basis of the content and presentation of the tale. Although I readily concede that not all stories reveal equally sharp gender differences, it is nevertheless observable that men and women create different worlds in and through their stories. The worlds they create are different psychologically, socially, and culturally, reflecting the different worlds in which they live their everyday lives.[36]

In these introductory pages I have presented a summary of observable gender differences in storytelling in today's English-speaking world. What is the position in the world of Homer? If we compare the stories which men tell with the few stories that Homer has allocated to female characters in his epics, will we observe similar contrasts?

I should at the outset record two significant differences between storytelling in Homer and storytelling in our own world. First, Homer does not allow participants in the conversations he recreates to offer the supportive, sympathetic, or appreciative remarks or the laughter that we observe in transcripts of everyday talk today. Women in today's world appear to use this kind of feedback more frequently than men, both in mixed groups and in all-female groups.[37] Such feedback is intended as a signal of support for the speaker and to indicate active attention on the listener's part. The stories Homer's characters tell, by contrast, are received in silence. This, I suggest, is a "literary" solution to a practical problem: it is difficult for an oral storyteller to enact the varied interruptions which accompany any storytelling. For this reason he ignores them.

A second feature of storytelling as we know it which Homer fails to represent in his story-world is collaborative storytelling. This is the kind of storytelling which we hear today when both the storyteller and other members of his or her audience have shared experience of an event. In those cases two or three voices will contribute to the tale. This is a common feature of women's storytelling; it is not so common in men's conversations.[38] It usually occurs when speakers know each other well

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[36] Johnstone 1990: 67–68; see also Coates 2003: 107, 137–138 and n. 32 (for details of a trial conducted in New Zealand by Coates, in which subjects were asked to sort unidentified transcripts of stories by gender).

[37] For discussion, see Coates 1998: 237–238.

[38] For discussion, see Coates 2003: 59 and 132. According to Coates (2003: 132),

and have shared experience and shared knowledge. Collaborative storytelling becomes a means of expressing solidarity. In Homer's world, by contrast, Patroclus does not contribute to Nestor's story when he is telling about his visit to Phthia to enlist Achilles and Patroclus to his cause; Thetis does not supply details to Achilles when he tells her the story of Zeus, Briareus, and herself. In Homer the appointed storyteller has the floor to himself.

Men's and Women's Storytelling in Homer's Iliad

Most of the stories which are told in the *Iliad* are told by men.[39] Of these almost all are stories intended to persuade the listener to adopt a particular course of action—whether a warrior is being urged to show his heroism in battle or a god is being urged to help out one of his or her fellow-gods.[40] When a speaker is attempting persuasion he or she will choose an appropriate paradigmatic tale. This story has a specific job to do. Quite often the speaker will choose a tale from his repertoire of first-person tales.[41] His message will be, "*I* did this; there was a good result; *you* should do it too."[42] Apart from first-person stories, three of the stories told in the *Iliad* are, remarkably, second-person stories;[43] and the remaining stories are third-person sto-

women are as likely to tell a story in collaboration as to tell it on their own; only 25 % of men's tales are collaboratively produced.

[39] I count approximately 26 stories in the *Iliad* (see Appendix, below). Others may arrive at a different total: does one count undeveloped story fragments in autobiographical lists, for example? I have not. Of these 26 stories all but three are told by men (the exceptions are the stories of Andromache [6.414–428]; of Thetis [18.429–461]; and of Hera [24.58–63]).

[40] For discussion see Austin 1966.

[41] Of the 26 stories I have identified 16 are first-person stories (14 of the 23 stories told by men and 2 of the three stories told by women). Coates (2003: 121) indicates that in her corpus 72 % of women's stories and 68 % of men's stories are first-person stories. The Iliadic rates (60.8 % for men's stories and 66.6 % for a very small sample of women's stories) are slightly below Coates' figures.

[42] This is a form of boasting also: in the Homeric world (and in ours) a strategy in the struggle for prestige. On this topic see van Wees 1992: 68–69 and 98.

[43] Second-person stories are not a common form in our own world (although we hear parents telling such stories to their children). The second-person stories of the *Iliad* are Achilles' story to Thetis, *Il.*1.396–406; Nestor's story to Patroclus, at 11.765–790 (this latter tale also contains first- and third-person elements; but it is the second-person element which is most emphatic); Poseidon's to Apollo, 21.441–457. Zeus' story to Hera, 15.18–30, and Achilles' to Aeneas, 20.188–194, are in some aspects second-

ries.[44] In line with observations of the storytelling world of men today, all the tales told by men, with a single exception, have a male protagonist.

Nestor and Zeus: first-person stories from the past

Amongst the stories which conform to our 21st century expectations of storytelling in all-male groups are the four stories told by Nestor about his own exploits: when he fought against the beast men (1.260–273); when he fought Ereuthalion (7.132–157; alluded to also at 4.318–319); his exploits against the people of Elis (11.670–762); and his performance in the funeral games for Amarynceus (23.629–643).[45] These stories are paradigms of men's storytelling for an audience of men. We must remember that Nestor, indeed, has special storytelling privileges. Because of his age he is treated with more respect; he feels free to speak more often and for longer than others.[46] Each story that he tells is addressed to one or more of the Achaeans and is intended to confirm the heroic values that he has adhered to for so long. So it is not surprising that these stories are set in a world of men; women play no part in the heroic world he evokes. Nestor's tales take us back to a distant past, when opponents were more impressive than at present, when contests were tougher, and when he was in his prime.[47] Their subjects are war and competition. Their themes are contest, struggle, demonstration of skills, single-handed achievement, and heroism. Each tale has a thread of boastfulness: Nestor was the youngest of all those heroes present, but he performed with distinction (7.152–154; 11.682–684); he came from far away, but his fame had clearly spread (1.269–270); he entered every

person stories; but in that the speaker is the protagonist they are equally first-person stories.

[44] For example, Agamemnon's account of Tydeus' visit to Mycenae with Polyneices, 4.372–400; the tale of Bellerophon, told by Glaucus, 6.152–211; the Meleager tale told by Phoenix, 9.524–599; and Agamemnon's apologetic tale at 19.95–133. I do not discuss these tales, but note that they reveal the same preoccupations and the same presentation as the stories from the *Iliad* which I discuss above.

[45] For discussion of these tales in terms of content and in terms of their relationship to the *Iliad*-story, see Alden 2000: 74–111; and Minchin 2005.

[46] On older males' privileged access to the floor, see Coates 2003: 162. Telemachus, young as he is, indicates that he recognizes this privilege—and its negative side: see *Od.*15.195–201.

[47] The beast men, 1.266–268, 271–272; Ereuthalion, 7.150–151; the chariot race with the sons of Actor, 23.638–642.

contest and he won all but one (23.632–642). What Nestor is doing here is recreating himself as he would like others to see him: as a man of action and achievement. His tales are rich in the kind of detail that Coates observes in men's stories today. There is the fixing of time and place, at, for example, 7.132–135; 11.711–712 (in fact, Bryan Hainsworth notes the "unusual clarity" of these details here);[48] and 23.629–631:

> εἴθ' ὣς ἡβώοιμι βίη τέ μοι ἔμπεδος εἴη
> ὡς ὁπότε κρείοντ' Ἀμαρυγκέα θάπτον Ἐπειοὶ
> Βουπρασίῳ, παῖδες δὲ θέσαν βασιλῆος ἄεθλα.
>
> I wish I were young again and the strength still unshaken within me
> as once, when great Amaryngkeus was buried by the Epeians
> at Bouprasion, and his sons gave games for a king's funeral.[49]

There are details of individual contests and struggles (23.634–640); details of techniques and weapons (7.136–141, 142–146; 23.641–642). Unlike Coates' sample of male storytellers, however, Nestor on two occasions names names, relentlessly. But this naming is, in fact, the point of these particular tales.[50] The old man is reminding his listeners in the present of the great men of the past, whose deeds—and names—have survived; and he ensures that his own lustre is enhanced by reminding his audience of the company he once kept.

Nestor's autobiographical tales are tales of action. There is minimal characterization, no direct speech, and little personal revelation beyond Nestor's sheer pleasure and pride in his memories of his youth. But the old man's delight in his achievements is ever-present. Consider the tale he tells Patroclus. Nestor's message, that there is great excitement and great fulfilment in the life of the warrior, is not expressed directly. Rather, it is through the evaluative material that he embeds in his story (the spoil, 11.677–681; his father's pleasure in his triumph, 683–684; Nestor's joining battle despite the hiding of his horses, 717–721; Nestor's being the first to kill a man, 737–739; and the honour shown to Nestor, 761) that Nestor conveys the thrill of a good performance in the field—and this message is surely and fatally conveyed to his young visitor.

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[48] On the clarity of the geographical and chronological details of this tale, see Hainsworth 1993: 297.

[49] All translations are from Lattimore 1951 and Lattimore 1965.

[50] In his first speech to the Achaeans, Nestor names a number of the great heroes of the past (1.262–265); in his last, all his opponents at the funeral games for Amarynceus are identified (23.634–640). On the other hand, he names very few participants in the long battle narrative that he tells Patroclus. The only hero who is important in that tale is the young Nestor.

It is Nestor's follow-up story to Patroclus (11.765–790), which is not drawn from his repertoire of "tales of my youth," that convinces Patroclus finally to return to the fighting. Nestor recalls the time when he and Odysseus went to Phthia to invite Achilles and Patroclus to join the force against Troy (769–770). It is an event that Patroclus himself can remember. The young men agreed and made ready to join the host. Their fathers made their farewells. Peleus sent Achilles on his way with advice to be "always best in battle and pre-eminent beyond all others" (783–784); this message is presented as indirect speech. Menoetius, on the other hand, gave his instructions to Patroclus (786–789) thus:

> τέκνον ἐμόν, γενεῇ μὲν ὑπέρτερός ἐστιν Ἀχιλλεύς,
> πρεσβύτερος δὲ σύ ἐσσι· βίῃ δ' ὅ γε πολλὸν ἀμείνων.
> ἀλλ' εὖ οἱ φάσθαι πυκινὸν ἔπος ἠδ' ὑποθέσθαι
> καί οἱ σημαίνειν· ὁ δὲ πείσεται εἰς ἀγαθόν περ.
>
> My child, by right of blood Achilleus is higher than you are,
> but you are the elder. Yet in strength he is far the greater.
> You must speak solid words to him, and give him good counsel,
> and point his way. If he listens to you it will be for his own good.

Note that these words are rendered as direct speech. This is one of the few occasions in the *Iliad* that direct speech is used in a story told by one of the characters.[51] Indeed, since the majority of the stories in the *Iliad* are told by men, Homer's restrained use of direct speech in these stories may be intended to reflect the speech style of men. Direct speech, as we know, has special evaluative force, by virtue of its avowed authenticity, but this is especially the case when it is contrasted with indirect speech, as in Nestor's tale.[52] Menoetius' words to his son leap out from their context. They strike us, Homer's audience, as significant. They struck Patroclus, as he listened to the old man, in the same way. He hears again the very words that his father had spoken nearly ten years before. As Homer notes, at 11.804, Nestor's second-person tale "stirs the feeling" in the breast of Patroclus: it empowers him. He will return to Achilles with the request that will lead to his death.

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[51] For other examples see 2.323–329 (in the story told by Odysseus before the Achaeans to steady Agamemnon): the words directly quoted are the words of Calchas, foretelling success, in the tenth year, for the Achaeans; and 6.164–165 (in the tale told by Glaucus about his forebears): these are the words of Anteia, wife of Proetus, to whom Bellerophon would not make love. She tells her husband, untruthfully, that Bellerophon had wanted to lie with her.

[52] On this point see de Jong 1987: 114–118; Minchin 2001: 124–125.

Zeus' tale to Hera, at 15.18–30 is a particularly assertive example. It accompanies a strong rebuke. The tale is set on Olympus. Zeus, in his anger after he has discovered Hera's deception (14.292–360), reminds his wife of how he once punished her. He gives details of the instruments of punishment: he describes the anvils by which Hera was suspended and left hanging among the clouds and the bright sky (18–21). The tale is, from Zeus' perspective, one of action. And he is the protagonist: "*I* slung two anvils and *I* drove (19) … If *I* caught one *I* would seize him (22–24) …" From Hera's perspective, it is a tale of powerlessness. This story tells us what can happen to a wife who steps out of line. It evokes a world in which brute force holds sway. In this story Zeus is clearly performing masculinity.

A woman in the audience

In *Iliad* 1 Achilles reminds Thetis of how she once assisted Zeus in a struggle against the other gods. This is a second-person story (1.396–406):

πολλάκι γάρ σεο πατρὸς ἐνὶ μεγάροισιν ἄκουσα
εὐχομένης, ὅτ' ἔφησθα κελαινεφέϊ Κρονίωνι
οἴη ἐν ἀθανάτοισιν ἀεικέα λοιγὸν ἀμῦναι,
ὁππότε μιν ξυνδῆσαι Ὀλύμπιοι ἤθελον ἄλλοι,
Ἥρη τ' ἠδὲ Ποσειδάων καὶ Παλλὰς Ἀθήνη·
ἀλλὰ σὺ τόν γ' ἐλθοῦσα, θεά, ὑπελύσαο δεσμῶν,
ὦχ' ἑκατόγχειρον καλέσασ' ἐς μακρὸν Ὄλυμπον,
ὃν Βριάρεων καλέουσι θεοί, ἄνδρες δέ τε πάντες
Αἰγαίων'—ὁ γὰρ αὖτε βίην οὗ πατρὸς ἀμείνων—
ὅς ῥα παρὰ Κρονίωνι καθέζετο κύδεϊ γαίων·
τὸν καὶ ὑπέδεισαν μάκαρες θεοὶ οὐδ' ἔτ' ἔδησαν.

Since it is many times in my father's halls I have heard you
making claims, when you said you only among the immortals
beat aside shameful destruction from Kronos' son the dark-misted,
that time when all the other Olympians sought to bind him,
Hera and Poseidon and Pallas Athene. Then you,
goddess, went and set him free from his shackles, summoning
in speed the creature of the hundred hands to tall Olympus,
that creature the gods name Briareus, but all men
Aigaios' son, but he is far greater in strength than his father.
He rejoicing in the glory of it sat down by Kronion,
and the rest of the blessed gods were frightened and gave up binding
him.

I have noted above that women are usually peripheral in men's tales. But observe how astutely Achilles presents this tale. Here he has made his mother the protagonist; he casts Thetis as a woman of action. *She* sent for Briareus (401–405); and *she* unbound Zeus (401). *She* is the hero.[53] This, for a woman, is an empowering tale.[54] And it works: Thetis goes to Zeus and puts Achilles' request.[55] Although she decides, tactfully, that she will not remind Zeus of this episode,[56] her consciousness of the debt he owes her will give her the courage to ask a favour on behalf of her son.

In *Iliad* 3 the Trojan elders are seated on the wall. They are joined by Helen. Priam tries to engage Helen in conversation. He puts to her a series of questions about the Achaean heroes, as she lingers on the wall before the duel between Paris and Menelaus. This is a delightful scene. And it is unusual because here alone in the *Iliad* (3.146–244) we have a stretch of talk which almost amounts to conversation for its own sake. At one point Priam asks Helen about a hero whose appearance strikes him as ram-like (192–198). Helen names Odysseus, and in her reply refers to the hero's cunning and his knowledge of all "crafty counsel" (202). It is Antenor now who joins the conversation (204). He builds on what has just been said, both by Priam about Odysseus's appearance and by Helen about his strategic skills (205–224). He tells an anecdote which celebrates Odysseus' skill in persuasive talk.[57] Antenor has clearly chosen his tale with Helen in mind (its cast of characters includes Menelaus). And it is the kind of story which will engage a woman's interest. The point of the tale is a reflection on misleading appearances and hidden talents. The tale, quite uncharacteristic of men's stories in all-male contexts, gives details of appearance and manner (216–220, 221–223); and it develops character:

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[53] Briareus, meanwhile, sat by and frightened off the gods who were attempting to bind Zeus (405–406).

[54] Just as Nestor empowers Patroclus (see above), so Achilles empowers Thetis. Note that on another occasion too (see below) Achilles demonstrates his concern for his addressee in his choice of tale.

[55] For discussion of Thetis' helplessness *vis-à-vis* Achilles and her power *vis-à-vis* the gods, see Slatkin 1991.

[56] Thetis does not allude to this story during her meeting with Zeus. She has decided that this is a story that Zeus would rather forget.

[57] Kirk (1985: 294) argues that Antenor's story complements Priam's, but not Helen's, remarks. But since one aspect of Odysseus' skill in counsel is his ability to speak persuasively, Antenor's speech is an illustration of Helen's remark as well.

ἀλλ’ ὅτε δὴ πολύμητις ἀναΐξειεν Ὀδυσσεύς,
στάσκεν, ὑπαὶ δὲ ἴδεσκε κατὰ χθονὸς ὄμματα πήξας,
σκῆπτρον δ’ οὔτ’ ὀπίσω οὔτε προπρηνὲς ἐνώμα,
ἀλλ’ ἀστεμφὲς ἔχεσκεν, ἀΐδρεϊ φωτὶ ἐοικώς·
φαίης κε ζάκοτόν τέ τιν’ ἔμμεναι ἄφρονά τ’ αὔτως.
ἀλλ’ ὅτε δὴ ὄπα τε μεγάλην ἐκ στήθεος εἵη
καὶ ἔπεα νιφάδεσσιν ἐοικότα χειμερίῃσιν,
οὐκ ἂν ἔπειτ’ Ὀδυσῆΐ γ’ ἐρίσσειε βροτὸς ἄλλος·

But when that other drove to his feet, resourceful Odysseus,
he would just stand and stare down, eyes fixed on the ground beneath him,
nor would he gesture with the staff backward and forward, but hold it
clutched hard in front of him, like any man who knows nothing.
Yes, you would call him a sullen man, and a fool likewise.
But when he let the great voice go from his chest, and the words came
drifting down like the winter snows, then no other mortal
man beside could stand up against Odysseus.

It also describes the reactions of the spectators (220), and these guide the reactions of Antenor’s own audience at 224: “Then we wondered less beholding Odysseus’ outward appearance.”

Achilleus, Priam, and Niobe: a female protagonist

In *Iliad* 24, Achilles tells a story to Priam. He is trying to persuade the old man to resume the routines of daily life. Notice that Achilles has again chosen a story in which a woman is protagonist. He has made this singular choice, I suggest, out of consideration for his audience. Priam, an old man exhausted by grief, will certainly not be rallied by tales of heroic fortitude. Achilles perceives that a gentler approach is needed: hence his choice of the Niobe-tale, in which a woman provides the model for behaviour (24.602–617).[58] Although set in a timeless mythical past, this is very much a woman’s tale: it is a story set in a woman’s domestic world, and it takes as its subject familiar maternal behaviour. This is a story about a mother who boasts about her children and, unwisely, compares them with the children of Leto (603–609).[59] Niobe is grief-stricken when Apollo and Artemis, in anger at her *hubris*, kill all twelve of her children. But, after their burial

[58] As Griffin (1986: 56) suggests, Achilles is capable of great humanity. This is manifest in his language more generally, as Griffin has demonstrated; and, as I show above, it is conveyed also in Homer’s account of the hero’s storytelling practice.

[59] Pride in offspring is a theme we recognize in women’s tales today. Women may

on the tenth day, she consents to take some food, a first step in the resumption of life.[60] The tale is successful: Priam identifies with its female protagonist, along with the story of her pride in her offspring, her error, her grief, and her practical recognition of her needs. He too eats.

Women's narratives: family matters

Finally, we have two tales told by women, in each case to a man. The first of these tales is the story told by Thetis (18.429–456), which she builds into her request to Hephaestus for new armour for her son. In her tale she is at the outset the protagonist, as wife of Peleus and mother of Achilles (432–443); and she portrays herself in her domestic role. But Thetis' story becomes a story about Achilles (444–456). This is not unusual in women's storytelling: as Coates has noted, women are not necessarily the focus of their own stories.[61] This tale has a strong emotional force, which it derives from Thetis' theme of family connections. Her references to her ageing husband (434–435), to her fine young son (438), whom she will never see in his homeland again (440–441), and to her inability to help him (443) weave into the narrative a mood of frustration and sorrow, which she hopes will move Hephaestus.[62] Thetis' tears (428), Hephaestus' sympathy for her, and his memory of the debt he owes her (394–405) win his compliance.

The second tale is the narrative built into the long, gentle rebuke which Andromache addresses to her husband (6.413–430).[63] Her story is carefully chosen and carefully presented for persuasive impact, but it will not move Hector to change his strategy. In order to engage her husband's attention, Andromache has selected a narrative of heroic action. Although her story concerns herself and her dependence on

not boast about their own deeds, but boasting about their children's performance is a story staple.

[60] For discussion, see Richardson 1993: 340–342.

[61] Coates 2003: 110; and see above.

[62] Homer has signalled this mood in his introductory words "letting the tears fall" (428). Body language here adds evaluative force to Thetis' words.

[63] This speech (6.407–439) has been identified by Foley (1999: 188–198) as a lament. Certainly Andromache has contemplated with distress the possibility of Hector's death. This is at the back of her mind. But we should ask ourselves what she is trying to do at the moment. It is clear that she is trying to persuade Hector to change his strategy. She cannot achieve this through a lament, a speech format which simply accepts the *status quo*. A better strategy is the proactive rebuke.

Hector, Andromache has not cast herself as the leading actor. She has stepped aside to allow a man, Achilles, to be (ominously) the focus of the story (414–416):

> ἤτοι γὰρ πατέρ' ἁμὸν ἀπέκτανε δῖος Ἀχιλλεύς,
> ἐκ δὲ πόλιν πέρσεν Κιλίκων εὖ ναιετάουσαν,
> Θήβην ὑψίπυλον·
>
> It was brilliant Achilleus who slew my father, Eëtion,
> when he stormed the strong-founded citadel of the Kilikians,
> Thebe of the towering gates.

Her tale is a brief account of Achilles' attack on her home, in Thebe. It is a story from the recent past; the pain is still fresh. Achilles, the protagonist, has captured Thebe (415); he has killed her father and her brothers (414, 421–423); and he has taken her mother captive (425–426). The framework, therefore, is that of an action tale: this much is heroic fare. But Andromache at each point evaluates the narrative action from her own perspective as a woman.[64] Her father was a great man. This is recognized by Achilles (416–420). Her brothers were caught off-guard; they were not able to defend themselves (421–424). Her mother was released by Achilles, who accepted ransom for her; but she was struck down by malevolent chance once she had returned to her father's home (425–428). At each of these three narrative moments Andromache underlines the unhappy circumstances of her loss and, indirectly, the grief it brings. This story is not about warfare, as are Nestor's tales, but about its social consequences. This is a woman's view of war, the destroyer of families. In Andromache's tale there is none of the detail that we see in Nestor's narratives from the distant past: details of locations, of weapons and fatal strokes. Instead, we have characterization of the protagonist, Achilles[65] and we have a strong emotional subtext, in which Andromache emphasizes her dependence on her husband and urges a sympathetic response in Hector. All this is

[64] Richardson (1993: 357) observes that throughout all of Helen's speeches there is a preoccupation with family relationships, and that kinship words (even rare terms) recur. He has made the point to me (p.c.) that Andromache and Penelope (in the *Odyssey*) are equally preoccupied with family connections and family rituals, as we see in Andromache's speech here and at 22.477–514 and 24.725–745. This is naturally so, since these women spend most of their time within the household. But, as noted above, it is significant that for women today, even those who work outside the home, family continues to matter. On this last point see also Coates 2003: 117.

[65] Note that it is Andromache who offers us this sketch of Achilles from the time before he is roused to unforgiving anger in his quarrel with Agamemnon.

summed up in her exit talk, as she moves from the story-world back to the real world (429–430):

> Ἕκτορ, ἀτὰρ σύ μοί ἐσσι πατὴρ καὶ πότνια μήτηρ
> ἠδὲ κασίγνητος, σὺ δέ μοι θαλερὸς παρακοίτης·
>
> Hektor, thus you are father to me, and my honoured mother,
> you are my brother, and you it is who are my young husband.[66]

Through these words we are reminded that this is not storytelling in a public context like so many of the stories told by Nestor. Rather, this story, like Thetis' to Hephaestus in *Iliad* 18, emerges from the context of more intimate talk, as women's stories are wont to do.[67]

It is natural, given the focus of the epic, that so many of the stories told within it are themselves focussed on war or contest, and on the kinds of skills that men need in those arenas. In Nestor's tales we see exemplary autobiographical narratives told by men for men, set in a world in which men are heroes and women are peripheral. In general, the tales told by men for men are self-orientated and boastful; they are deficient in characterization but rich in technical detail and information about time and place. These stories, for the most part, are not aiming at emotional rapport. But when such rapport is necessary to the success of the tale, the storyteller—whether Nestor, Antenor, or Achilles—knows how to make provision for it in his telling. In Andromache's tale, by contrast, we see a woman who is striving to seize the attention of her husband in the midst of war. In her tale she caters to his preference for stories of heroic action, while striving to win his sympathy for her own situation. Heroic behaviour is her theme. But Andromache shows little interest in the technical details of warfare. Rather, her tale, like that of any woman, asserts the importance of family relationships and is richer in third-person characterization than all others in the *Iliad*. Overall,

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[66] There is a third tale in the *Iliad* which is told by a woman: the story told by Hera at 24.59–63. This is brief and quite sharp in tone. Intended as a retort to Apollo's plea on behalf of Hector, it is a woman's story in terms of content (Hera undertakes to marry off Thetis to a mortal—and thus protect Hera's own interests). This story too deals with family matters and family ceremonies: the raising of Thetis; her proposed marriage to Peleus; and the wedding, which Apollo himself attended. The tale, set in the past, is too brief for characterization. But note that all actors and interested parties are named.

[67] Only a small number of men's stories emerge in more intimate talk: Achilles' story of Agamemnon's wrong (1.366–392); his Niobe-story (24.602–617); Hephaestus' story about Thetis (18.394–405).

therefore, we find that the distinguishing features observed by Coates and her colleagues in men's and women's stories today are to be found also in Homer's *Iliad.*

Men's and Women's Storytelling in Homer's Odyssey

Whereas storytellers within the *Iliad* tell tales with persuasion as their goal, storytellers in the *Odyssey* openly admit that their tales are told to entertain their audience and, in many cases, to win praise, prestige, or even sustenance for the teller.[68] The story-content of the *Odyssey* is greater than that of the *Iliad*, principally because of Odysseus' long narration to the Phaeacians. But examples of women's storytelling are again rare: of the 24 narratives within the *Odyssey* only four are told by women.[69] These are the story told by Helen at 4.239–264; the report of Anticleia at 11.197–203; and the stories told by Penelope at 18.256–271 and 19.137–156. Of the 19 tales told by men, 13 are first-person narratives. Of these 13 narratives eight are told by Odysseus. Included in these are his five false tales. It is with the Odyssean stories that I begin.

Odysseus' tales

The stories of the *Odyssey* are overshadowed by one great narrative: the story of Odysseus' journey from Troy to Scheria told in three segments: 7.241–297; 9.12–11.330, and 11.380–312.450. Odysseus tells this tale before a mixed audience, which comprises the king, his guests, and his wife, Arete. As Nausicaa has told Odysseus (7.75–77), Arete will be the key to his safe return to his homeland, should she be well-disposed to him.[70] The hero's story is a narrative of adventure and misadventure, of contests of wits, and trials of strength and endurance. It is an incomparable traveller's tale of action and exploit. And it is, despite its cast of vivid cameo roles, a "self-orientated" tale. Odysseus, the storyteller, plays the leading part. Alone of all his men it is he who

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[68] For discussion see Minchin 2001: 205–206.

[69] I have not included in this count the stories told by Demodocus at 8.72–82, 266–366 and 499–520. These tales are represented as *oratio obliqua*—although, as de Jong observes (2001: 195), in the second of these tales the voices of Demodocus and the narrator appear to merge.

[70] On Odysseus' desire to please Arete (by the inclusion of the account of the "heroines"), see Doherty 1995(a): 21–22, 67–68; Doherty 2001: 129.

triumphs, escaping the wrath of Poseidon with nothing more than his life. It is, in short, a boastful tale, carefully crafted to win for its teller what he desires most, a safe return to his homeland and gifts of esteem from his audience.

The story begins in the past. It is not the remote past of Nestor's Iliadic narratives. This is a past that connects with the present by the fact that, at the moment of telling, the hero's story has not yet reached its end. Odysseus has not reached his goal. Because it is a work in progress, therefore, the tale he tells has a power to engage that we do not find in the Nestor-narratives. So, when Odysseus announces (at 11.330–332), that he will break off his tale, he is pressed to continue.[71] It is Arete who catches the listeners' mood of wonderment, as she speaks first, praising Odysseus and his telling (336–337):

> Φαίηκες, πῶς ὔμμιν ἀνὴρ ὅδε φαίνεται εἶναι
> εἶδός τε μέγεθός τε ἰδὲ φρένας ἔνδον ἐΐσας;
>
> Phaiakians, what do you think now of this man before you
> for beauty and stature, and for the mind well balanced within him?

She does not want to see him leave yet; she proposes that the Phaeacians give him generous gifts. Echeneus supports her commendation (344–346). Finally, Alcinous formally invites the hero to continue with his tale (363–376). And so Odysseus resumes his telling. Here we observe the kind of behaviour that Coates observes in mixed-group conversations today. The women in the group actively encourage the men in their storytelling. Because women make it clear that they enjoy the stories men tell, men are prepared to take the storytelling floor for longer periods. This is Arete's role at this point.[72]

There is something very polished about Odysseus' telling. He works as Homer himself works, using detailed narrative, similes, elaborate descriptions, direct speech, and conversational exchanges to slow the tale and to quicken suspense in his audience.[73] No other storyteller in

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[71] It is tempting to think that Odysseus at this point is teasing his audience. By breaking off abruptly at this point, in mid-episode, he tantalizes his listeners. For comments on Odysseus' self-interruption, see Rabel 2002: 85–89; Minchin (forthcoming): chap. 9.

[72] For another view see Doherty 1995(a): 68–69, 77–78. My reading supports Rose (1969: 404–405) who argues that Arete has been impressed by the whole of Odysseus' narrative.

[73] For example, note the presentation of the Cyclops episode: here we find considerable narrative detail (for example, at 9.231–251, the narrative which fills the time between the moment that the Cyclops returns to his cave and the moment when he sees Odysseus and his men); description of items (the wine, 196–211; the boulder at

Homer uses all these devices; and no other storyteller uses them so extensively. Furthermore, because Odysseus is confident that his audience is willing, and because he has the time to develop his tale, he has scope to develop character, through speech, action, and his own evaluative commentary. In this his stories are unlike those of Nestor, in which characters are stereotypical. Thus we see something of the character of the Cyclops, who appears as both terrifying (9.256–257; 287–295) and in some aspects endearing (218–223; 307–309; 444–455). Circe, likewise, is no mere stereotype: she is mysterious (10.210–223) and she is frankly sexy (333–335). And Odysseus' stories are unlike those of Nestor in this way too, in that he describes a world populated by both men and women. But the women whom Odysseus encounters are not of his kind. Integral to the story, they represent danger and delay, and challenges to be overcome: Circe, of course; Calypso (7.244–250); the wife of Antiphates, the Laestrygonian (10.112–113); and the Sirens (12.39–46).

Finally, like male storytellers today, Odysseus shows a concern for details of time and place: we are given precise measures of time (nine days, 9.82; six days, 10.80; a year, 10.467; six days, 12.397; nine days, 12.447) and of place (for example, the description of the island of the Cyclops, 9.116–141; or of the dwelling of the Scylla (12.59–85).[74] With pleasure in his own ingenuity he shares descriptions of tools, implements, and technical operations: whether the blinding of the Cyclops (9.319–330, 375–394);[75] or his protection of his companions against the Sirens' song (12.173–180):

> αὐτὰρ ἐγὼ κηροῖο μέγαν τροχὸν ὀξέϊ χαλκῷ
> τυτθὰ διατμήξας χερσὶ στιβαρῇσι πίεζον.
> αἶψα δ' ἰαίνετο κηρός, ἐπεὶ κέλετο μεγάλη ἲς
> Ἠελίου τ' αὐγὴ Ὑπεριονίδαο ἄνακτος·
> ἑξείης δ' ἑτάροισιν ἐπ' οὔατα πᾶσιν ἄλειψα.
> οἱ δ' ἐν νηΐ μ' ἔδησαν ὁμοῦ χεῖράς τε πόδας τε
> ὀρθὸν ἐν ἱστοπέδῃ, ἐκ δ' αὐτοῦ πείρατ' ἀνῆπτον·
> αὐτοὶ δ' ἑζόμενοι πολιὴν ἅλα τύπτον ἐρετμοῖς.

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the door, 240–243); similes (289, 314, 384–386, 391–393); direct speech (for example, 347–352, 355–359, 364–367, 369–370). Only Menelaus in his long narrative (4.347–586) rivals Odysseus in his use of direct speech. But he uses description more sparingly (4.354–359, 400–406), and offers only one simile (4.535).

[74] The times and the places may be inventions; but their inclusion lends authenticity to the story. Note that Telemachus' first-person report of his travels, to Penelope, is equally detailed (17.108–149).

[75] The technical nature of this operation is emphasized by the technical nature of the two similes: 384–386, 391–393.

Then I, taking a great wheel of wax, with the sharp bronze
cut a little piece off, and rubbed it together in my heavy
hands, and soon the wax grew softer, under the powerful
stress of the sun, and the heat and light of Hyperion's lordling.
One after another I stopped the ears of all my companions,
and they then bound me hand and foot in the fast ship, standing
upright against the mast with the ropes' ends lashed around it,
and sitting then to row they dashed their oars in the gray sea.

The story of the bed

There is one tale which Odysseus tells in the *Odyssey*, however, which, for the sake of the larger story, must appear completely unrehearsed.[76] Odysseus tells this tale to his wife, when they are at last alone together. It is a story she knows: the story of how he constructed his marriage bed (23.184–204). He tells this tale in shock and anger, when he hears Penelope give instructions that indicate that the bed has been loosened from its base. The story is a man's tale: it is a first-person tale (for example, *I* made it, 189; *I* finished it, 192; *I* cut away the foliage, 195; *I* lashed it, 201). It is a tale which demonstrates Odysseus' skill; and it demonstrates his cunning, of which he is inordinately proud (the construction of his chamber around the bole of the tree, 190–194).[77] To us the story is a technical narrative presented in technical language. To Penelope the story is a source of joy. She recognizes her husband in his self-assertive pride and his outrage. It will be the simple truth of his tale and her glimpse of an undisguised "true" Odysseus that will persuade Penelope that her husband has returned.

Odysseus' tales: the false tales

Odysseus' false tales are each well-developed narratives (13.256–286; 14.193–359; 14.462–502; 17.419–444; 19.167–202, 221–248, 269–299; 24.265–279, 303–314).[78] He tells the first of his stories to Athena while still clad in his Phaeacian finery; the next three in his beggar's guise; and his final tale, to Laertes, in his everyday, Odyssean, garb. Each tale

[76] On Odysseus' surprise and the spontaneous nature of this tale, see Murnaghan 1987: 140–141; Winkler 1990: 157.

[77] On the boast which underpins the tale of the bed, see Murnaghan 1987: 140: "a permanent achievement which cannot be challenged by any rival."

[78] For recent literature on these tales, see Ahl and Roisman 1996: chap. 8; Doherty 1995(a): 148–158; de Jong 2001: 326–328. And see also Trahman 1952; Haft 1983–1984.

is designed to establish a false identity for himself and, with a characteristic Odyssean touch, to present himself as someone who has made contact with the real Odysseus at some point of his travels.[79] The care with which these tales of false identity are presented, with conscientious inclusion of details of identity, of time and place, and of motive, and with information that evokes sympathy and understanding in his listeners, reveals an artful mind.[80] Odysseus can make his stories appeal to men and women alike. He has learnt all there is to know about recipient-design.

These false tales all are set in a world of men, whether they be men on the battlefield, rulers and princes encountered in foreign lands, sailors, adventurers, or pirates. These are first-person tales, in which the storyteller, Odysseus, is the protagonist, taking the role of a military man, the son of a slave woman, a rich man fallen on hard times, a prince, or a man of substance. On three occasions he casts himself as a man from Crete. For the most part these are tales of single-handed action (*I* struck him with the bronze-headed spear, 13.267–268; *I* appointed nine ships, 14.248; *I* provided abundant victims, 250–251; *I* went with him on his ship, 14.298; *I* took him back to my house, 19.194) and of achievement (I gathered together *much substance* from the men of Egypt, 14.285–286; I lay down in his clothes, *happily*, 14.501–502; and he showed me *all the possessions* gathered in by Odysseus, 19.293; I gave him *seven talents* of well-wrought gold, 24.274). But there are two points of special interest. The first is that the tales told to a male listener, for example, Eumaeus (14.192–359) and to a female listener, Penelope (19.167–202, 221–248, 269–299), are quite different in subject matter and presentation.[81] The tale to Eumaeus is a story of hardship and action on the high sea and on land: Odysseus is proving himself to be

[79] That is, Odysseus risks betraying himself simply by bringing the figure of Odysseus to the attention of his listeners.

[80] On identity, note that in the first false tale, at 13.256–286, Odysseus places himself in Crete; he explains why he has left Crete, having killed the son of Idomeneus, whom he names; he meets Phoenicians; he asks them to take him to Pylos, or Elis. He gives details and accounts of motivations. In his second tale, told to Eumaeus (14.193–359), he again gives details of birth, the reasons for travelling; he includes the siege of Troy, and shapes a homeward journey as long (of course) as the homeward voyage of Odysseus. Here are copious details of time and place. The cloak-story, at 14.462–502, is an exception to this rule. This story is a generic Odyssean story. It could have taken place at any point of the Trojan campaign. The lack of precise information about setting allows us to see the story for what it is: a persuasive *ad hoc* invention. The beggar needs a cloak.

[81] This is not because the poet (or Odysseus) is reluctant to repeat himself, because

a man.[82] The story told to Penelope is set in a world familiar to her: palace-society. It is a story which hinges on hospitality and the rituals of the home and the winning of generous gifts. Secondly, we notice that, although both tales are first-person tales, the beggar casts himself differently in each one. In the tale for Eumaeus he presents himself as the active protagonist. In the tale for Penelope he steps back to allow Odysseus (himself!) to take the limelight (at, for example, 19.185–202). As teller of his tale he adjusts his presentation to a woman's preferences. Thirdly, note that Odysseus responds to the gender of his addressee in a particular detail of presentation.[83] When Odysseus refers to Crete in his story to Eumaeus he assumes that Eumaeus too will know about the island (14.199–200). This is the kind of shared geographical knowledge that men in the world of Homer can assume in each other. In his tale to Penelope the beggar feels that he must give more information.[84] He assumes that she, as a palace-bound woman, will have no knowledge of this island. So she is regaled with data of a geographical, economic, political, and social kind (19.172–180):

> Κρήτη τις γαῖ' ἔστι, μέσῳ ἐνὶ οἴνοπι πόντῳ,
> καλὴ καὶ πίειρα, περίρρυτος· ἐν δ' ἄνθρωποι
> πολλοί, ἀπειρέσιοι, καὶ ἐννήκοντα πόληες·
> ἄλλη δ' ἄλλων γλῶσσα μεμιγμένη· ἐν μὲν Ἀχαιοί,
> ἐν δ' Ἐτεόκρητες μεγαλήτορες, ἐν δὲ Κύδωνες,
> Δωριέες τε τριχάϊκες δῖοί τε Πελασγοί·
> τῇσι δ' ἐνὶ Κνωσός, μεγάλη πόλις, ἔνθα τε Μίνως
> ἐννέωρος βασίλευε Διὸς μεγάλου ὀαριστής,
> πατρὸς ἐμοῖο πατήρ, μεγαθύμου Δευκαλίωνος.

> There is a land called Crete in the middle of the wine-blue water,
> a handsome country and fertile, seagirt, and there are many
> people in it, innumerable; there are ninety cities.
> Language with language mix there together. There are Achaians,
> there are great-hearted Eteokretans, there are Kydonians,
> and Dorians in three divisions, and noble Pelasgians;
> and there is Knossos, the great city, the place where Minos
> was king for nine-year periods, and conversed with great Zeus.
> He was father of my father, great-hearted Deukalion.

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he does. Note that the tale told to Laertes (24.265–279, 303–314) echoes in some respects the tale Odysseus tells Penelope in Book 19.

[82] For a detailed account of the presentation of this tale, see Minchin 2001: 209–213.

[83] On this point see Russo in Russo, Fernández-Galiano, and Heubeck 1992: 83.

[84] At the same time Odysseus uses this information to establish the authenticity of his tale.

The dual identity of Odysseus/the beggar is manipulated in an amusing fashion in the cloak-tale of 14.462–502. Here the beggar as protagonist tells of how he left the Achaean camp on a reconnoitring exercise at some point during the Trojan campaign without his cloak. It was snowing; he was bitterly cold. At this point we believe that the story will be a tale of miscalculation and failure. But in the beggar's case the tale will end well. It is Odysseus the wily who solves the problem. He now becomes the protagonist in the tale. Odysseus asks for a volunteer to run back to the ships with a message. Thoas puts aside his mantle and hurries back. Thus the "beggar" in the story triumphs: he obtains a cloak for the night. Note that the beggar calls this a boastful tale (463): it is a tale in which he boasts of Odysseus' quick wits—in reality, his own. But the story is cast as the hero's struggle for survival (as a consequence of his incompetence) and his success against the odds.[85]

Although each of these tales is false it contains some truth. It is this blend of truth and falsehood which so unsettles his listeners, Eumaeus and Penelope. As Homer remarks, even what is false begins to sound like the truth, when Odysseus speaks (ἴσκε ψεύδεα πολλὰ λέγων ἐτύμοισιν ὁμοῖα, "He knew how to say many false things that were like true sayings," 19.203). So Eumaeus, at 14.361–389, responds to the beggar's tale by trying to deny the truth of it; he tries to resist his persuasive lies. And, later, Penelope weeps (19.204–209) and is all but persuaded (215–219) by the careful detail of the tale the beggar has told her (167–202). His careful portrait of the protagonist of his story, Odysseus, as an opportunistic and acquisitive hero and a man of cunning, rings true, as does his ability to shape his narrative to the experiences and aspirations of his listener. On the one hand, Odysseus' tale of abduction by Thesprotian sailors (14.334–347) responds to Eumaeus' experiences as a small child when he is abducted by Phoenician sailors (15.415–484); and, on the other, his report of the admiration amongst the women of Crete for the finely woven clothing that she had, years before, woven for her husband appeals directly to Penelope as mistress-weaver (19.232–235).

[85] On the narrator's incompetence, see Ahl and Roisman 1996: 180.

Penelope's narratives

It is remarkable that we hear so little at first from Penelope, since she is to become an important character in the last sections of the narrative. That she is given so few opportunities to tell her own story, or to tell any story at all, is significant. As a woman, of course, she is not given the same opportunities for storytelling as a man.[86] Her stories, we must assume, are reserved for all-women's groups, in her own apartments.[87] Besides, Homer wants Penelope to remain something of a mystery for us. He describes the queen at first in terms of absence and failure. Her failure in her one strategic action, the trick of weaving the shroud (a story told three times in the course of the epic), indicates that she has been trapped; her constant laments for her husband show us her despair. That she spends so much of her time in her own quarters confirms this: her failure to appear in her own household and amongst the suitors suggests weakness. As a consequence it comes as a surprise to us that she rises to the occasion later in the tale.[88]

The queen tells two stories only in the whole of the *Odyssey*. One concerns her plans for remarriage. This story she tells at 18.256–271, to the suitors. The other is the only sustained narrative told by Penelope in the *Odyssey* (19.129–161). It is her version of the web-story which Antinous told earlier in the narrative.[89] This is a story one feels that she has been longing to tell to a dispassionate listener for some years now. And the beggar whom Eumaeus has brought into the palace appears to be just such a person. She tells him that she and the house are overburdened with suitors. These men are trying to hasten her marriage. She has in the past resisted marriage through the only practical defence a women has, her skill in weaving. She tells the beggar how she set up her loom and addressed the suitors with false words

[86] Note that even on the evening of their reunion Penelope's account of the twenty years which she has spent apart from Odysseus is reduced to four lines of text (23.302–305), whereas Odysseus' adventures in the wider world are allocated 32 lines (310–341).

[87] According to Holmes (1995: 68), women are happier when talking in less formal, more personal, contexts as opposed to public contexts.

[88] She rises to the occasion only when Odysseus is back in the house: it is their teamwork that will confound the suitors. On Penelope's cunning see, in particular, Winkler 1990: 160–161.

[89] Antinous, one of her suitors, tells this tale at 2.87–110, using the same chunk of direct speech: 2.96–102 = 19.141–147 (cf. also 24.131–137). The narrator has Penelope tell the story on this occasion for Odysseus' benefit, so that Odysseus may know of his wife' cunning.

(141–147) claiming that she had to weave a shroud for her father-in-law Laertes. She uses direct speech: this is an important announcement, in the story-world (to the suitors) and in the story-realm (to the beggar). But although Penelope had devised a worthy plan, weaving by day and unpicking by night, she was betrayed, as we know, by her maids.[90] Note that Penelope's language at this point is not technical, even though she is describing her own craft. She tells us what we need to know and no more.[91] Penelope's story, although a first-person account, is not a triumphant narrative of achievement or of survival against the odds, such as we might hear from Odysseus, or Nestor. On the surface, it is a story of a scheme (δόλους, 137; μῆτιν, 158) aborted, and at its close Penelope evokes her sense of failure and frustration within the domestic sphere.[92] And yet there is more to the story, and to Penelope, than meets the eye. She may claim, as a woman would, that the story she tells is a tale of failure. But observe how Penelope, unlike other women narrators, places great emphasis in this tale on the passing of time (151–153): this is important to her story and to her characterization of herself as someone who by her wits could keep the suitors at bay. As she tells her story she is careful to let the beggar know that she is a woman of initiative who can devise a ruse and sustain her deception, even though, in the longer term, she does not succeed. Thus Penelope schemes, even as she talks of a failed scheme.

There is an interesting sequel to this tale, which leads us to reflect on the different reasons why men and women tell stories and what men and women expect from the stories of others. When Penelope has completed her story, as she returns herself and her listener to the present, she puts a question to Odysseus (19.162–163):

> ἀλλὰ καὶ ὥς μοι εἰπὲ τεὸν γένος, ὁππόθεν ἐσσί.
> οὐ γὰρ ἀπὸ δρυός ἐσσι παλαιφάτου οὐδ' ἀπὸ πέτρης.

[90] Note that at this point of the tale Penelope's version differs in presentation from that of Antinous. She gives a more vivid account of the act of discovery (compare 2.106–109 with 19.151–155). And, albeit in a phrase, she characterizes her maids, "those careless hussies" (154). On Penelope's scheme see Slatkin 1996: 234–235.

[91] Unlike Odysseus, who is prepared to tell his story with much more technical detail (cf. the story of the blinding of the Cyclops, discussed above).

[92] Cf. the story of Anticleia (11.197–203), on the reason for her death. Both stories take as their subjects failure and loss. Note that this story, like others told by women, shifts the focus from herself (although she is the protagonist) to her son (second-person address is important here); and it emphasizes feelings rather than action.

> But even so, tell me who you are, and the place where you come from.
> You were not born from any fabulous oak, or a boulder.

Having offered her unhappy story to the beggar she hopes that in return he will offer her a tale of personal misfortune from which she can draw consolation and with which she can empathize. This is the way that women like to talk. Their conversations are characterized by reciprocal storytelling, in which a subsequent story will "mirror" the preceding tale.[93] It is through such talk that relationships are developed and maintained.[94] Penelope, having identified in the beggar someone like-minded, hopes that he will respond in similar vein. But note Odysseus' indignation at her questions (165–166):

> ὦ γύναι αἰδοίη Λαερτιάδεω Ὀδυσῆος,
> οὐκέτ' ἀπολλήξεις τὸν ἐμὸν γόνον ἐξερέουσα;

> O respected wife of Odysseus, son of Laertes,
> you will not stop asking me about my origin?

He protests at her insistence. Here is an interesting gender-based clash of expectation. Whereas Penelope is asking for Odysseus' history as an affiliative move, he interprets her questions as confrontational and coercive—as indeed point-blank questions often are.[95] Because he is not yet ready to confide his personal details he deflects the question brusquely.

The exchange of stories in conversation

When Pisistratus and Telemachus call in to Sparta to make enquiries about Odysseus, they have three conversations with Helen and Menelaus. The first takes place on their arrival at the palace (4.1–295). Within this conversation are two tales, one told by Helen and one by Menelaus. These stories have attracted a great deal of negative comment, reflecting on Helen's treachery and/or Menelaus' stupidity.

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[93] See Coates 1996: 32–36 and 56. One of Coates' informants describes her own and her friends' talk thus (at 56): "we establish common themes and take it in turns to tell stories arising from these themes … which result in a sense of shared understanding." For Coates' use of the term "mirroring," see Coates 1996: 62; Coates 2003: 120. Note a further example of "mirroring" in Menelaus and Helen's companion stories, below.

[94] See Holmes (1995: 38) on talk as a means of developing and maintaining a relationship.

[95] On the way in which men, in particular, use information-questions to establish dominance in a relationship (obliging the addressee to supply an answer), see Coates, 1995: 16.

I suggest that we read this episode with fresh eyes, considering the tales as a story-sequence in a conversational setting that is familiar to us all.

When Helen has added the drug heartsease to the wine which hosts and guests will drink, she leads the way in talk.[96] This is not the same Helen whom we saw in the *Iliad*. The pain she felt in Troy, as the wife of Paris, is now resolved. She is less fractious, more serene.[97] She entertains her guests with a story relevant to an earlier topic of conversation amongst them (4.138–182): Odysseus. Acknowledging the presence of his son in her audience she tells a story about Odysseus—and herself (4.239–264). The event she describes occurred during the siege of Troy, when Odysseus entered Troy in disguise on a fact-gathering mission. The story is of interest because it is not immediately clear who the protagonist is. Is it a tale which celebrates the nature of Odysseus, who conducted this single-handed expedition, who crept into the city (249), told Helen what the Achaeans were intending (256), and struck down many Trojans before he returned (257–258)? Or is the protagonist Helen, who knew Odysseus, even in disguise (*I* alone recognized him, 250), who questioned him (251), bathed him (252), conspired with him (253–255), and who reacted differently from all Trojan women, in that she did not mourn the dead whom Odysseus left behind (259–264)? This, I suggest, is not a typical example of women's storytelling, in which the female protagonist gives up her place to the male actor in her story. Rather, we have an interesting departure from the norm: Helen, strong-willed and self-absorbed, has chosen a story about Odysseus which represents the hero's admirably suspicious and wily nature but which establishes *herself* as a match for the hero. The tale she tells allows her to insert herself into the action, to parade her own special powers, and to present herself as a confidante of Odysseus.[98] Helen has never been able, nor is she able now, to give up the central role in the stories she tells.

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[96] On the "unique precaution" of the drug, see Scodel 1999: 74: it is intended to mark the significance of the stories that are to follow.

[97] On the deeply unhappy, self-abusing Helen of the *Iliad*, see Graver 1995.

[98] Helen makes two points about herself: first, she asserts her changed loyalties by claiming that by this time she had repented of her desertion of her husband and her flight with Paris; and that she was working for the Achaeans—with none other than Odysseus: cf. Doherty 1995: 86. Secondly, she emphasizes her special powers of perception: she alone is able to see beyond Odysseus' disguise. Her point is that she is, in undercover work, his equal.

As soon as she finishes, Menelaus contributes a story of his own (267–289), a companion tale to the one he has just heard. This is the story of how *Odysseus* was a match for Helen. As we have observed above, in our western tradition the telling of a second story on the same theme is almost always intended as a collaborative gesture, a means of displaying mutual understanding and connectedness.[99] This is how the narrator intends us to read Menelaus' tale. Contrary to what has been written in recent years about Menelaus' contribution to the conversation, I propose that Homer is showing us this couple, now reunited, "doing" a version of togetherness.[100]

The story Menelaus tells is the story of Helen, the wooden horse, and the struggle of Odysseus to prevent the Achaeans within from betraying themselves. Notice in the passage below (4.266–274) Menelaus' commendation of Helen's tale (266) and his prolonged introductory remarks (4.267–270), which precede the developing story:

> ναὶ δὴ ταῦτά γε πάντα, γύναι, κατὰ μοῖραν ἔειπες.
> ἤδη μὲν πολέων ἐδάην βουλήν τε νόον τε
> ἀνδρῶν ἡρώων, πολλὴν δ' ἐπελήλυθα γαῖαν·
> ἀλλ' οὔ πω τοιοῦτον ἐγὼν ἴδον ὀφθαλμοῖσιν
> οἷον Ὀδυσσῆος ταλασίφρονος ἔσκε φίλον κῆρ.
> οἷον καὶ τόδ' ἔρεξε καὶ ἔτλη καρτερὸς ἀνὴρ
> ἵππῳ ἔνι ξεστῷ, ἵν' ἐνήμεθα πάντες ἄριστοι

[99] Coates 2003: 103–105. In Coates' corpus of men's talk stories in sequence occur in about 35 % of cases, compared with a 62 % rate for women (Coates 2003: 116). Such story sequences indicate that men as well as women use language to show mutual understanding and connectedness. This observation leads me to question Doherty's claim that Helen's tale is "undercut" by Menelaus' narrative—and that this is a general conversational pattern (Doherty 1995a: 22–23). Following Coates we must recognize that when a man in today's world completes a story sequence with a tale of his own it may well be a supportive act. We must allow for this possibility in our reading of Homer.

[100] For readings that conclude that Menelaus is critical of Helen through his story and its presentation, see, for example, de Jong 2001: 102; West, in Heubeck, West and Hainsworth 1990: 208–209; Winkler 1990: 140; Doherty 1995a: 22–23, 57–61, 132; Doherty 1995b: 86. I do not believe that Menelaus is criticising Helen, or rebuking her, or undercutting her, or implying that she has lied. First of all, he congratulates Helen on her story (266); and secondly, he has chosen an everyday conversational strategy that generally indicates supportiveness: that is, he tells a story which complements that of Helen. If Menelaus were being critical of his wife, then his compliment at 266 is meaningless and his strategy in telling the story he tells is malicious. Menelaus has several weaknesses of character, but malice is not one of them. He is well-regarded by all the Achaean heroes, who treat him with affection as well as respect. See also Worman (1999: 30–34) who judges that Menelaus' desire to throw Helen's story into question has been exaggerated by recent readers of the scene.

Ἀργείων Τρώεσσι φόνον καὶ κῆρα φέροντες.
ἦλθες ἔπειτα σὺ κεῖσε·

Yes, my wife, all this that you said is fair and orderly.
In my time I have studied the wit and counsel of many
men who were heroes, and I have been over much of the world, yet
nowhere have I seen with my own eyes anyone like him,
nor known an inward heart like the heart of enduring Odysseus.
Here is the way that strong man acted and the way he endured
action, inside the wooden horse, where we who were greatest
of the Argives all were sitting and bringing death and destruction
to the Trojans. Then you came there, Helen.

At first it seems that the story is a story entirely about Odysseus; but Menelaus mirrors Helen's story by drawing her into the action a little later, using emphatic second person narration (274). The story is set in a context that borders the battlefield and the home. The men inside the horse are conducting a military expedition. But the horse is by the city gates—and within the reach of Helen, who had guessed, or divined, that it may have concealed some of the Achaeans. She tries to surprise them into betraying themselves by calling out their names in the voices of their wives. She almost succeeds. Menelaus now takes us inside the horse and describes a tense scene as Odysseus hauls his comrades back into their places and claps his hands over the mouth of one, to enforce silence (282–289). Thus we have a story that is directed to all members of the audience: to the young men, who will enjoy the story of quick thinking and courage in a dangerous situation; to Telemachus especially, because Odysseus is its hero; and to Helen, both because the story acknowledges and corresponds to her own and because this story too celebrates her mysteriously seductive powers.[101]

What have we discovered about gender differences in storytelling in the Homeric epics? First of all, in this world of epic action it is men who tell by far the most stories; and these stories are for the most part tales of adventure and triumph or survival against all odds in a hostile environment. Secondly, the world in which men's stories are

[101] This is the only interpretation that I can offer of this scene that is consistent with the good-humoured (and possibly drug-induced) serenity of the telling. I can only conclude that Menelaus has left the past in the past and now (when all has turned out well) bears Helen no ill-will for her behaviour as Paris' wife. On Helen's changing loyalties see Kakridis 1971: 45 (on "inconsistent Helen") and 49 (on the "admirable balance" of the two stories).

set is a man's world; women are peripheral. This is all as we would expect, given the themes and preoccupations of epic. But notice also that, thirdly, men tell stories that are longer, often far longer. Status, age, and gender entitle men to speak at length. In this they may be encouraged by the women in their audience. Fourthly, details of time and place and technical language are built into their tales. Fifthly, men are good storytellers: they understand how to shape stories for different audiences, depending on the needs of their listeners. And they know how to use stories as an expression of solidarity, in doing friendship and togetherness.

Women, uncharacteristically, tell far fewer stories in the epics.[102] The stories they tell, however, are true to life in terms of what we know of women's stories today: they are very rarely stories of achievement. Their stories also happen to be appropriate to the world which they inhabit: stories of failure, loss, and unhappiness. Women's stories are set in the home or in the context of family and friends. If women are the protagonists in their tales they rarely cast themselves as the heroes; there is nothing boastful about their stories. Helen is an exception. Her story stands in strong contrast to Anticleia's tale of failure and loss or even to Penelope's discreet self-promotion. Indeed, it is the presentation of their stories that reveals the extraordinary—and complex—characters of Helen and Penelope: Helen as a daughter of Zeus and Penelope as a worthy partner for Odysseus.[103] Women's tales, as we have noted, do not expand in the leisurely fashion of men's stories. As storytellers they are not preoccupied with contextualizing details of time and place; nor is their language a technical language. They are instead interested in character and intimate aspects of human action and reaction. Finally, women, unlike men, do not appear to look for the kind of praise and admiration from their listeners that would prolong their telling. What they hope to hear from their listeners, to judge from Penelope's invitation to Odysseus, is a mirror-story, which shows

[102] Coates suggests (see above) that in conversational contexts women tell more stories than do men. But the *Iliad* and the *Odyssey* represent talk in the public sphere more often than in the private. Since women even in our own world talk less in public it is not surprising that women in stories set in the world of Homer also (where the action takes place on the battlefield or in the public rooms of the palace) did not speak out. Cf. Doherty 1995a: 176–177.

[103] As Murnaghan says, Penelope "threatens to usurp (Odysseus') poem": on Penelope as an exception to the stereotype of Homeric women see Murnaghan 1987: 124–125.

that the point of their own tale has been taken and that there is mutual understanding in the story circle.

Why have poets working in this tradition chosen to present men's and women's stories differently? It can only be because they have observed men and women telling stories in the world around them and have noticed that men and women have some different criteria for "tellability" and some different habits of presentation. In their desire for authenticity, therefore, poets have recreated in the epics the different thematic choices that men and women would make, along with gender-preferred habits of presentation on the model of the real world in which they lived their lives.[104] It is clear that men's stories for men in the everyday world have set the model for epic, with its ethos of action and achievement. The kinds of stories that women tell, on the other hand, have a role in epic only insofar as they act as a foil: their stories throw the physicality of the hero into relief against the more passive role that they themselves have been assigned, in the home and with the family.[105]

[104] It is worth emphasizing here that many of the criteria for men's and women's storytelling are the same (such as the requirement that the story have a point; or the need for structure). It is only in a limited number of aspects (some aspects of content and of presentation) that the criteria differ.

[105] I thank Jennifer Coates most warmly for taking time from her own projects to discuss my investigations into men's and women's speech in Homer. I thank Corpus Christi College, Oxford, for making me so welcome during the study leave I spent there, working on this paper amongst others; and for hosting a seminar at which I was able to present an earlier draft of this paper to colleagues, whose questions and comments I have found most helpful. And I thank my colleagues at Orality VI, especially André Lardinois, for constructive feedback on the version of the paper I presented there.

APPENDIX

Storytellings in the Iliad *and* Odyssey

Iliad

1.260–273	Nestor to Agamemnon and Achilles
1.366–392	Achilles to Thetis
1.396–406	Achilles to Thetis
1.590–594	Hephaestus to Hera
2.301–330	Odysseus to Achaeans
3.205–224	Antenor to Trojan elders and Helen
4.372–400	Agamemnon to Diomedes
6.145–211	Glaucus to Diomedes
6.413–430	Andromache to Hector
7.132–157	Nestor to the Achaeans
9.444–494	Phoenix to Achilles
9.524–599	Phoenix to Achilles
11.670–762	Nestor to Patroclus
11.765–790	Nestor to Patroclus
15.18–30	Zeus to Hera
18.394–405	Hephaestus to Charis
18.429–456	Thetis to Hephaestus
19.95–133	Agamemnon to the Achaeans
20.187–194	Achilles to Aeneas
20.213–243	Aeneas to Achilles
21.75–91	Lycaon to Achilles
21.441–457	Poseidon to Apollo
23.629–643	Nestor to Achilles
24.59–63	Hera to Apollo
24.396–404	Hermes to Priam
24.602–617	Achilles to Priam

Odyssey

1.179–199	Athena ('Mentes') to Telemachus
2.87–110	Antinous to assembly on Ithaca
3.103–198	Nestor to Telemachus, Pisistratus, and "Mentor"
3.254–312	Nestor to Telemachus, Pisistratus, and "Mentor"
4.239–264	Helen to Menelaus, Telemachus, and Pisistratus
4.267–289	Menelaus to Telemachus
4.347–592	Menelaus to Helen, Telemachus, and Pisistratus
7.241–297	Odysseus to Arete

9.12–11.330	Odysseus to Phaeacians
11.385–312.450	Odysseus to Phaeacians (includes Anticleia's report, 11.197–203)
13.255–286	Odysseus to Athena
14.192–359	Odysseus to Eumaeus
14.462–502	Odysseus to Eumaeus
15.403–484	Eumaeus to Odysseus
16.113–129	Telemachus to Odysseus
17.108–149	Telemachus to Penelope
18.256–271	Penelope to suitors
19.137–156	Penelope to Odysseus
19.167–202, 221–248, 269–307	Odysseus to Penelope
23.184–202	Odysseus to Penelope
24.36–97	Agamemnon to Achilles
24.123–190	Amphimedon to Agamemnon
24.265–279, 303–314	Odysseus to Laertes

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"SUMMONING TOGETHER ALL THE PEOPLE": VARIANT TELLINGS OF THE MWINDO EPIC AS SOCIAL AND POLITICAL DELIBERATION

Nathalia King

Other articles in this collection are written by classicists concerning topics from Greek and Roman antiquity and, in this sense, my topic must seem a little out of place. How feasible is it to construe a relation between the oral traditions of Western antiquity and the oral tradition of a small African culture in the latter half of the twentieth century? What I hope to show is that orality studies have now reached the point at which a broadly comparative approach drawing together different oral traditions can be highly illuminating. It is not only a question of using a more modern tradition to better understand a specific story-telling function that would otherwise remain obscure in an ancient tradition—as Albert Lord used his study of Serbo–Croatian epic to grasp the subtleties of the Homeric formulae. It is also a question of seeing how oral traditions from different cultures and historical times can deploy similar narrative, rhetorical and poetic strategies to different cultural ends. Perhaps the more we learn about such differences, the more readily we can argue for an oral tradition's intrinsic capacity for the kinds of literary originality, sophistication, and transformation that we so readily ascribe to its written counterparts.

My inquiry here concerns the oral tradition of a small culture (some 25–30,000 people) called the Banyanga or Nyanga situated in Eastern Africa in an area on the borders of the Congo Republic and Rwanda. My argument is based on and indebted to the extraordinary fieldwork of Daniel Biebuyck and Kahombo Mateene—the Belgian anthropologist and his Nyanga colleague responsible for recording, transliterating and translating the oral tradition known as the Mwindo epic. They recorded this epic in four variant tellings as performed by four Banyangan bards—all in the span of a single year in 1956. The four bards in question were Candi Rureke, Sherungu, Shekarisi, and Shekwabo. They came from villages that were politically distinct from one another, but not more than fifty miles apart. Biebuyck has made these perfor-

mances accessible to an English speaking audience in two volumes entitled *The Mwindo Epic* (1969) and *Hero and Chief* (1978).[1]

I would like to make two kinds of arguments here: a theoretical argument and a critical one. Theoretically speaking, I will argue that the reiterations of a given epic tradition do not have to be, as some might say, the source of a fundamentally static cultural dispensation. On the contrary, epic variants can be a crucial site for cultural reflection and analysis. In some cases, and the Mwindo epic is a prime example, variant tellings are opportunities to examine the terms of a seemingly unchanging social contract. In such a case, oral variants can become one of the primary stages for social and political deliberation and can map out imaginative strategies for change.

The critical element of my paper, which focuses exclusively on the content of the Mwindo epic tradition, will demonstrate that each of the four transcribed variants of the Mwindo epic expresses a significantly different take on the political difficulties arising from a concern absolutely central to Banyangan culture.[2] That concern is the political succession of old chief to new.[3] This is a problem to which Curtain, Feierman, Thompson and Vansina give elegant articulation in their *African History* when they write that the issue in succession is "to find procedures flexible enough to exclude incompetent rulers, but fixed enough to allow the new ruler to take office without fighting a civil war."[4] The Mwindo epic in particular dramatizes the degree to which political succession stands at the nexus of all social and familial relations: while succession is politically determined by relations of patriarchy and primogeniture in Banyangan culture, I want to show that their epic oral tradition provides models of the alternate modes of thought and conduct needed when decisions based either on patriarchal authority or on the rule of primogeniture would result in inadequate new leadership.

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[1] All further references are to these editions, for which I use the abbreviations TME and HAC. Biebuyck 1969 and Biebuyck 1978.

[2] In Biebuyck's words (1978:8), "Against a background of common thematic and stylistic elements, the four epics develop many antithetical viewpoints…."

[3] Biebuyck (1978: 8–9) holds the same view and further specifically discounts "the conflict between father and son," "the conflict between a man and his paternal aunt's husband" and "the social and spiritual bond between a man and his paternal aunt" as common motifs in the variants.

[4] In many African cultures, the Banyangan included, this problem is complicated in many ways by the practice of polygamy which potentially increases the number of possible heirs as it does the sources of political friction generated by the old chief's wives ("preferred" and "despised") in their rivalry to see their own children enthroned.

This is not to say that the Mwindo epic explicitly engages in political theory or that it might be used in an obvious way to resolve a problematic succession between two chiefs in real time. Indeed, Biebuyck informs us that the Nyanga epic makes "few direct historical statements" (HAC 41); provides "no unified ancestral genealogy" (HAC 42); places no emphasis on fighting skills; describes no great battle scenes (HAC 43). Instead the epic takes place in a remote past and uses archetypal characters rather than real models for the roles of hero and chief. These epic variants "make no reference to the elaborate circumcision rites, to the multiple initiations into…voluntary associations and cults," or to the "secret enthronement rites" of a new chief (HAC 34–34). If the epic tradition provides a great deal of information about Nyganga politics, it does so by eliciting a more imprecise and fluid image of the political sphere than may actually obtain—politics are more broadly represented in the epic than a focus on specific institutions would allow. Indeed Biebuyck points to the otherworldly qualities of this epic tradition's solution to problems when he writes: "Most of the confrontations are between individuals, and the stress is primarily on trickery and magic and subsequent reconciliation" (HAC 43). Yet the central source of epic intrigue is always that of a chief's succession and the discursive mode of the epic explores that intrigue in a way that is varied, deliberative, and accessible to a wide audience.[5]

Let us then proceed to a demonstration of how Mwindo variants perform the role of social and political deliberation about issues arising in succession, a demonstration that can most obviously be found in the comparative close readings of the variant tellings. The following analysis will compare four variants of a single episode—the episode leading up to and portraying the birth of the hero who will eventually take the chief's place. For the purposes of clarity, the variants are numbered, but it is crucial to bear in mind that this order of presentation in no way represents the primacy of one variant over the others.

[5] See Biebuyck 1969: 13: "The Nyanga epic is not a text performed only at certain times or on highly esoteric ceremonial occasions. There is nothing secret about it; it is to be heard and enjoyed by all the people. Normally a chief or a headman or simply a senior of a local descent group, in order to entertain his people and guests, would invite the bard to perform a few episodes of the epic in the evening, around the men's hut in the middle of the village. Large crowds of people, male and female, young and old, would come to listen or rather to be participant auditors. The bard and his collaborators […] would… receive, like any good musician or dancer or singer, the praises of the crowd, praises expressed in words or in gestures."

Variant One

> Long ago there was in a place a chief called Shemwindo… That chief married seven women. After Shemwindo has married those seven wives, he summoned together all this people: the juniors and the seniors, advisors, counselors, and nobles[….] When they were already in the assembly, Shemwindo sat down in the middle of them; he made an appeal, saying: "You my wives, the one who will bear a male child among you …I will kill her; all of you must give birth to girls only." Having made this interdiction, he threw himself hurriedly into the houses of the wives, then launched the sperm where his wives were. […] After a fixed number of days had elapsed, those seven wives carried pregnancies, and (all) at the same time.
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> […] When many days had passed that his wives had remained pregnant, one day six of his wives pulled through; they gave birth merely to female children. One among them, the preferred-one, remained dragging herself along because of her pregnancy. (TME 42–43, 53)

The child of the preferred wife refuses to be born in a timely manner although, quite remarkably, it can help its mother by performing household chores from inside the womb. Ultimately it decides to travel from the womb along the mother's arm and to be born from her middle finger. It has the gall to be born a boy, laughing and talking from birth. Thanks both to his brashness and to the heroic accessories (conga-scepter, adze, hunting bag) with which he is born, this infant Mwindo succeeds in escaping all of Shemwindo's attempts to kill it (TME 53–62).

This first variant highlights the intensity of the competition between father and child with a special focus on the father's inappropriate desire to perpetuate his own power indefinitely. Shemwindo's overweening reluctance to make room for a successor is symbolized by his prohibition that any of his wives give birth to a male child; and his insistence that, if such a child is born, he can legitimately kill it. The first variant demonstrates these ideas to be delusive hubris on Shemwindo's part. In the natural order of human reproduction, children cannot be avoided and the sex of a child cannot be pre-determined. Shemwindo's attempts to countermand the natural order only makes matters worse for him: he not only gets a boy child, but one whose supernatural gifts endow him with an exaggerated, exceptionally boisterous masculinity. In the cultural order of things, the father must give way to the child; the succession from old chief to young chief is what assures the tribe's political continuity. The narrative logic of this variant insists upon an

outcome in which Shemwindo's several attempts to kill his son Mwindo only backfire: in fact they eventually contribute to that series of events in which Mwindo has all the right kind of experiences and meets all the right people to ensure his accession to the chiefdom.

Variant Two

> In place long ago there dwelled a chief called Shemwindo. Shemwindo married two wives.... After he had married his two wives he made a proclamation: "The one who will bring forth a male child among you my wives, I shall strangulate her, I shall knead her." Of his two wives, Iyangura is the beloved one... [She becomes pregnant]. The day she gave birth, the child emerged from the palm of her hand...it was talking and it was walking.... Its name was Mwindo Mboru; it was a male child.... When Shemwindo noticed that his wife had given birth to a male child, he felt great bitterness and said to his counselors that they should...throw away this male child that had just been born. The counselors listened to the word of their master; they lifted up the child Mwindo Mboru; they went to throw him into a grave; they covered him with soil. After they finished throwing him away... they were astounded that after barely two wakes of the night had passed, Mwindo Mboro had already freed himself from the grave. He went to his father's. He slept in front of him on the side of the hearth. When Shemwindo woke up seeing his male child in front of him he shouted a cry of amazement. He was very much astounded and said: "What do I see now? Today I receive a revelation. A man who was thrown away has risen again! What was never seen before is witnessed now!" ... Shemwindo said to all the people that since this Mwindo Mboro had risen they should not throw him away again: "Let him first stay." (HAC 35–36)

Although this second variant starts out in a very similar way to the first, it quickly changes its tune. Where the first variant posits the invariable stubbornness of the chief, the second variant entertains the possibility that, confronted with the right circumstances, even a chief might change his mind. Here the birth and resurrection, indeed the intractable aliveness, of his new male offspring incite the chief's "revelation." The astonishing and even miraculous nature of the new generation as manifested in this unique and particular child, seem to convince the chief that he has underestimated the true potential of his successor. The traditional political order of succession is the narrative consequence of the chief's reluctant but ultimately accurate acceptance of the natural order of generational succession. The natural order of gen-

erations and the traditional political rights of the child over the father are asserted here, even though the story initially appears to endorse the chief's absolute political power.

Variant Three

> Long ago there was in a place a chief called Karisi. He married many wives. His principal wife was called Kahindo, the daughter of Hangi-of-Drum. After he had finished marrying those his wives, all of them bore children. But Kahindo failed to give birth. When she failed to give birth, Kahindo was rejected by her husband… [He] made a proclamation, saying: "You, my counselors and nobles, I do not want Kahindo to remain in my village; I want to chase her from it; I want you to go and build a house for her on the garbage heap, at the entrance of the village." When [Kahindo]…remained all by herself at the entrance of the village, she planted crops. One crop was [corn]; it was ripe already! She planted banana trees, and they were mature already! She planted beans; and when these beans began to sprout she carried a pregnancy without a male having given the pregnancy to her. […] After a while had passed… she gave birth… As the child emerged, he praised himself saying that he was Little-one-just-born-he-walked, the Little-child-of-many-wonders…. (HAC 184–187)

This variant is so striking because it allows for a possibility so seemingly contrary to Banyangan ideologies of both nature and culture as represented in variants one and two. Here a future chief is designated by his mother's ability to conceive him immaculately. The existence of this imaginative eventuality effectively voids both the chief's unjustified dislike of his wives and any unjustified demands he might make on them. This narrative demonstrates that ultimately any aspect of the chief's power (political or reproductive) depends upon his ability to acknowledge and cooperate with the adjacent powers apparent in all of those around him. Should he insist on the singular nature of his own power, he may well find himself confronted by a mirror image of such a power, now displaced on those whom he had thought to marginalize. Here, the barren and exiled wife paradoxically becomes the original source of all fertility, both agricultural and human. This variant then shifts the epic tradition's examination of the relational nature of the chief's power from the father-son relationship to the husband-wife relation. Although this change in focus is an important one, it must be noted that it does not alter a truly fundamental theme in the tradition, namely that at some level all of these variants endorse the idea that those whose iden-

tity, interests, and place in the community are ignored or pushed aside by the chief will end up reasserting themselves in unexpected ways, necessarily commanding of attention.

Variant Four

> One chief married six wives... Nyabana was the despised wife because she did not bear a child... One day the chief said that he no longer wanted Nyabana to stay there with him... [The chief's advisor], Shebakungu said that a house should be built in a place where the chief would not pass. Nyabana went and a place was built for her on the garbage heap. As Nyabana dwelt there, she cultivated a field that was very large; she planted [corn] on it. But her co-wives refused to cultivate, saying that they would eat food given as tribute. When the corn was ripe, [Nyabana] cut it...and stored it...and dried it...and winnowed it. She dwelt there, eating her [corn]. Thereupon, hunger came. (HAC 240–241)

Although all the villagers are starving, the chief's counselor advises him to go to Nyabana and she feeds them both secretly day after day. She becomes pregnant after her husband sleeps with her only once. During her pregnancy, she feeds not only the chief, but all his princes and servants. When her son is born, he is given gifts by the water-serpent Mukiti. The tale continues:

> Thereupon Little-one-just-born-he-walked said to his father: "Lo! Will my mother always remain on the garbage heap?" The chief said: "No! Let them go and build her a house in the very middle of the village place." They built a house. It was finished in one day; it was surrounded by a fence. The mother of Little-one-just-born-he-walked entered this house. [...] [Thereupon Little-one-just-born-he-walked was made chief designate by this father. When the other wives complained, the chief's counselor said that a chief was not brought forth, but that the chief gave the chieftainship to the child he liked to give it to.] (HAC 249)

This variant is perhaps the most politically explicit of the four in that it dramatizes most realistically the intricate web of social relations that make for smooth political transitions of all kinds, including that of succession. The chief may make a mistake in excluding his barren wife from the community, but this narrative shows him compensating for that error by consistently listening to the advice of others. The chief follows the advice of his counselor on several counts; he is grateful for his rejected wife's foresight in growing food and for sharing it; and finally, and most importantly, he listens to the admonitions of his infant

son concerning the proper status of his mother. This collaborative wisdom is ultimately expressed in the counselor's observation that new chiefs are in fact not simply born to their station, but chosen for it because of the auspicious circumstances surrounding their birth and education.

From four instances of the variants of the Mwindo epic that Biebuyck and Mateene have recorded, we have seen that each telling focuses on different sources of conflict or empowerment where succession is concerned. One variant dramatizes the old chief's obstreperous resistance to the whole idea of succession: he simply prohibits any of his wives giving birth to male children. In contrast, another variant suggests that the true successor to the chieftainship is marked as such because his mother conceives him immaculately. Other variants suggest events or social mechanisms by which intransigent positions change and social harmony ensues. Taken together, the four variants propose quite divergent answers to timeless political issues: By what means and for what qualities will a new chief be recognized? Are qualifications for chiefdom, ostensibly determined by patrilineal connections, really determined by the matriarchal line; are they apparent at birth or developed through experience; are they most dependent on the use of power or on the exercise of wisdom? Perhaps the most remarkable fact about the Mwindo tradition is that, at some level, it advances all of these possibilities simultaneously, encouraging its audiences to evaluate the social and political assumptions behind their own traditional convictions with considerable humor and imagination.

Turning now from a specific reading of the Mwindo tradition to the larger ramifications of such a reading for the theory of orality generally, allows us to question the universal applicability of the assertion that oral technologies are exceptional tools for conserving tradition, but are less capable of creating new thought. We find such an assertion in W.J. Ong's magisterial study of orality when he writes: "Since in a primary oral culture conceptualized knowledge that is not repeated aloud soon vanishes, oral societies must invest great energy in saying over and over again what has been learned arduously over the ages. This need establishes a highly traditionalist or conservative set of mind that with good reason inhibits intellectual experimentation."[6] It would be wrong to say that Ong posits that oral literatures, like the primitive, tribal or

[6] Ong 1982: 41.

traditional cultures from which they issue, *must* be deeply conservative, resistant to change, that their orality necessarily suppresses the cultivation of literary originality. However, he does insist that "narrative originality" in oral cultures "lodges not in making up new stories" but rather in "reshuffling" "formulas and themes" "that are seldom if ever explicitly touted for their novelty but are presented as fitting the traditions of the ancestors."[7] Ong's reading of the relation between a social charter and the role of an oral tradition in its promulgation conceives of that relation as a means by which mutually reinforcing political and cultural forces operate to keep society's eye focused on an apparently mythical and unchanging past: nothing in a variant telling is overtly "new" or "inventive"; rather variant tellings deal in variations on the old. Although Ong's account of originality seems appropriate to some oral traditions, it may not work for them all.

In his study of Greek tragedy, for example, J. Peter Euben suggests another model for the relation between the social contract and the oral tradition, one in which the existence of variant tellings of old myths might contribute to the creation of a lively social imagination in which highly "untraditional" solutions to contemporary political problems might hold out new ways of thinking about or solving those problems. He writes: "Tragedy explored passions and actions no public life could countenance, and problematized the city's most fundamental cultural accommodations, whether these were sexual, generational, institutional or intellectual. [....] To the degree that tragedy dramatized the problematic aspects of the polis of which it was an integral part, it explored its own preconditions, status, and prospects. Insofar as the dualities contained in its form and depicted in its stories was a kind of self-examination that promoted collective self-examination, tragedy anticipated the theoretical vocation as it is described by Socrates in the *Apology*."[8] Euben's account of originality in the oral tradition of Athenian tragedy allows for a greater degree of self-consciousness in the tradition's critique of the social and political context in which it is embedded than does Ong's. By Euben's account, the social or political ideas expressed in tragedy are too radical to be honestly dismissed by the audience as a mere "reshuffling" of old formulae. Rather, in tragedy, each variant of an old myth is a new way of imagining a social or political problem and its possible solutions. Each variant is like the

[7] Ong 1982: 41–42.
[8] Euben, ed. 1986: 27–28.

proposition of a new hypothesis; it offers the opportunity of a new scenario to be tested and evaluated for its own variety of truth or social value.

On the strength of the evidence in variant tellings of the Mwindo epic, we can see that they too are the source of significant social and political negotiation: indeed, the different takes on social problems formulated in variant tellings suggests that such a tradition plays multiple roles. It certainly functions as a source of entertainment and education, but beyond that it can be said to embody both a "social charter" *as well as* the terms in which that charter might be debated, socially or politically challenged and even potentially changed.[9] In such cases, it may be precisely the oral tradition's ability to generate, enact, and contain cultural and social criticism that assures the tradition's own popularity and longevity. It is perhaps Karl Kroeber, in his analysis of American Indian oral traditions, who provides the strongest articulation of the intimate connection between storytelling and the social world. He writes: "Storytelling was a recognized way of 'debating' solutions to practical personal, social, and political contemporary problems … Storytelling articulated the foundational systems and commitments by which each unique cultural life was formed, and *at the same time* it was the primary means by which those systems and commitments could be examined so as to be better understood, sustained, modified, and improved."[10] The simultaneous function of the story as social contract and as the means of critiquing that contract mirrors the simultaneity with which the oral variant deploys genuinely new ideas in guises that can be brooked by tradition.

The Mwindo variants demonstrate a remarkable originality. In their content, in their relation to the cultural and social customs from which they originate, in their conception of the bard's function, in their tem-

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[9] See Biebuyck 1965: 14: "The epic incorporates most literary forms known to the Nyanga, in both poetry and prose: rigidly stereotyped enunciations and improvised remarks, songs consisting of proverbs, improvised reflections, riddles and abstracts of tales, songs that have the characteristics of praises, prayers, and blessings. […] The content of the epic is a rich survey of customs, institutions, activities, behavior patterns, values, material objects that are of significance to the Nyanga. It is, in fact, a synopsis of Nyanga culture. Functionally the epic is many things: entertainment, moralization, an explanation of causes, and an interpretation of existing customs; it is a *paideia*." See also Biebuyck 1978: 5: "The average Nyanga is delighted to have this endless list of cultural features presented to him. In no other type of text, under no other circumstance, are so many otherwise separate features of Nyanga culture drawn together."

[10] Kroeber, ed. 2004: 2, 6 (italics mine).

porality and in their performance contexts, they serve as a forum for open-mindedness and competing ideas. They widen the spectrum in which political or social dialogue can occur because they explicitly allow different explanations, different causes, and different outcomes for the same events. In this sense, they are, taken together, a form of deliberative discourse such as Thucydides or Aristotle would define it—as the hypothetical examination of varying courses of possible future action in order to determine which is best.[11]

To conclude this brief foray both into the comparison of variants within a single oral tradition and into the possible comparison of oral traditions from radically different cultures, I would suggest that scholars of orality need to acknowledge and study the existence of what, for lack of a better term, might be called a "meta-tradition," namely the broader cultural context in which a specific oral tradition is itself is composed, sustained, and transmitted. I would define the "meta-tradition" as consisting of that set of conditions surrounding any specific oral tradition with the premise that different conditions would necessarily allow for literary originality and imagination in different degrees and for different purposes. In the case of the Banyanga, we could propose that the "meta-tradition" consists of the following five specific conditions:

The *first* condition is the cultivation from childhood of a diverse audience, fundamentally competent in the reception and composition of oral thought, in which the competing claims of men, women, and children are given comparable, if not equal, consideration. In this regard, Biebuyck writes that:

> The Nyanga live in an isolated and largely undisturbed environment where social relationships among individuals, families and larger groups of kinsmen are intensive and intimate. Daily, after returning from work in the forest, the small groups of men—agnates, affines, friends sit together in the men's meeting place to eat, drink, smoke, discuss the day's events, assign the next day's tasks, analyze patterns of behavior and action, scrutinize personal and familial problems, instruct the children in the social mores, criticize misconduct. These routine gatherings, which often extend long into the night, are a major occasion for narrating tales, quoting proverbs, solving riddles, not merely as a form of entertainment

[11] Obviously the Banyangan model for deliberation occupies a very different relation to the political institutions of its own culture than Athenian deliberative discourse does, say, to the institution of the political assembly in Athens. Nonetheless, it must be emphasized that the same function (in this case, deliberation) does not need to occupy exactly the same institutional framework in each culture to be effective.

> and fun, but also as a means of clarification of ideas, of interpretation of events, and of enhancement of existing values.
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> In their own domestic sphere, the women of the village also gather, in small groups of three or four in the company of their younger children, to eat, chat, and instruct. Like the men, they narrate stories, recite proverbs, and solve riddles, which, though similar in content and theme to those of the men, are commonly different in conclusion or explanation. (TME 8–11)

The *second* condition of the meta-tradition in the Banyangan case is that of bards whose expert talents are broadly appreciated in the culture, but are not casted, professionalized, or affiliated with any particular special interest, such as the chief's. About the spectrum of competence in the oral tradition that he encountered, Biebuyck says that:

> All Nyanga know a certain number of texts; some are able to narrate, sing, or recite them coherently and completely, others are confused narrators, able only to communicate the essence of their content. The expert narrators or singers do not make a profession of or derive a special social status from their skill [....] They may be famed and praised for their art, but they are not looked on as a group of specialists, nor can they make a living from it. (TME 5–6)

Neither cast members nor trained or remunerated as professionals, these bards have in common a highly versatile intelligence and wide ranging experience (HAC 11), a knowledge of the distinctive epic traditions (HAC 19), a "creative genius and individual talent" (HAC 24), the ability to compose in an ordinary Nyangan idiom, but with a "richness, diversity and amplitude…far beyond the capacity of the common speaker" (HAC 40). Yet, "the bards [also] avoid archaisms and secret and cryptic formulations" (HAC 41). Rather they speak a universally understood vocabulary with an extraordinary degree of eloquence.

My *third* condition for the Banyangan meta-tradition is the culture's general isolation from the influence of globalization, but its exposure to and cultural exchanges with more local "international" neighbors. In the case of the Banyanga, Biebuyck stresses the importance their inter-cultural contacts with the neighboring Hunde, Lega, and especially Pygmy cultures.[12] The *fourth* condition is that community time

[12] See Biebuyck 1978: 6: "From certain points of view, the epics are international in scope. They are found in the immediate neighborhood of the Nyanga, at least among the Hunde and the Lega; and the Nyanga are explicit in their assertion that the Pygmies participated in formulating the traditions."

dedicated to talk and discussion approaches in value to the time dedicated to other forms of labor. The *fifth* and final condition is that in what is still a hierarchical and/or patriarchal form of governance (both at tribal and familial levels), there is nonetheless a strong cultural ethos or philosophy of mutual inter-dependence. In such an ethos, any individual who ignores his dependence on others, adult or child, male or female, powerful or submissive, does so at his peril.

In the oral tradition of the Mwindo epic, we see that women and children characters, although they may not have real, institutionally obvious forms of power, are endowed with possibly unfeasible but still imaginable means of defying the constraints of ordinary human life. Immaculate conception, parthenogenesis, children traveling in and out of the womb, children born walking, talking, or capable of telepathically animating static objects at will—these are all imaginary possibilities that the epic tradition both invents and puts in social motion.

As a counterpart to these imaginative possibilities, the Mwindo epic tradition also consistently demonstrates that men, especially chiefs, can never successfully defy the imperatives of natural reproductive biology. What may be at stake here in the "meta-tradition" is a symbolic, but very potent redistribution of the powers manifested in the real, material world. Men may govern on the condition that they are generous and just providers. If chiefs should break this aspect of the social contract, the variants in the tradition seem to suggest that women and children may no longer be constrained by the norms of the biological limitations proper to their spheres of action and hence may gain a means of reasserting their own interests in a newly just society.

The Banyangan epic may imagine a finite number of desired ends: social harmony, peace, happiness in succession, in marriage, or in family. But it also imagines a remarkable number of means to those ends. Ultimately, it seems to valorize those means to an end that emphasize the successful sharing of agency among very different agents: the hero, the chief, the counselors, the wives, the offspring, the gods, the pygmies. In the literary imagination at the very center of its culture, this oral tradition actively explores the potential social and political agency of every class, gender, age and birth rank.

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ORALITY AND TEXTUAL CRITICISM: THE HOMERIC HYMNS

Franco Ferrari

The problem

In origin a continuous stream never wholly solidified in a final "text", an old epic tale cannot take irreversible shape until the creative stage is over. Equivalent double readings, luxuriant ornamentation, free digressions, flexible catalogues are organic parts of rhapsodic workmanship. When dealing with such a technique of textual reshaping classical scholars cannot resort to the tools commonly used in evaluating literary works.

It would be fanciful, therefore, to attempt to construct a critical edition in terms of a fully accomplished text. The *Homeric Hymns*, or what have been referred to as such since the first century BCE,[1] and later a larger compilation, are a very promising field in this respect, because these hymns remained in the hands of the rhapsodes for so long without receiving the kind of editorial treatment Alexandrian scholars reserved for the monumental Homeric poems.

Our Medieval manuscripts hold several doublets, but since the archetype of our tradition goes back to the late Middle Ages, the copies circulating through the ancient world certainly contained a very much greater number of double readings. In the manuscripts belonging to the rhapsodes[2] such doublets were probably juxtaposed without any

[1] We do not know at which time this collection was arranged. The quotations such as "Homer says in the *Hymns*" begin only in the first century BCE, so that only for this period can we be sure that our collection, or at least a very similar one, was known in learned circles. Later on, it joined a larger compilation, which perhaps goes back to Proclus (fifth century CE) and which contained also the hymns of Callimachus, of the Orphics and of Proclus himself and the Orphic *Argonautica*. About the origin and history of our collection a good summary is given by Càssola 1975: lvii–lxvi.

[2] On rhapsodic MSS two precious witnesses are Xen. *Mem.* 4.2.10, where Socrates asks Euthydemos, who is thought to have purchased all the works of Homer, whether he wants to become a rhapsode, and Pl. *Phdr.* 252b, who mentions "stored away verses" (ἐκ τῶν ἀποθέτων ἐπῶν) of the Homeridai.

notation. Only in editions influenced by Alexandrian editorial practice were they distinguished by a dotted *antisigma*, of which we detect one interesting trace in our Medieval MSS at ll. 136–138 of the *Hymn to Apollo*.

In fact, even a glance at the surviving double readings recorded in the Medieval tradition or known to us from the papyri and the indirect tradition can bring into focus one of the most interesting aspects of the work of the rhapsodes: their skill in adapting a mythic tale to the context and the requirements of a new performance.

In his 1975 edition Filippo Càssola recorded the alternative readings in a separate section of his apparatus, while Bruno Gentili[3] has explained them as *adiaphoroi*, that is equivalent readings which do not compromise the formal correctness of poetic diction. On the other hand, in his Loeb edition (2003), Martin West has selected what in each case he thought, on the basis of his personal judgement, to be the better text even in the case of the doublets from the *Hymn to Apollo* reported by Thucydides. Anyway, let us attempt to establish the classes into which such doublets could be arranged.

False doublets

First of all we must exclude readings which may seem to be but are not true doublets. To my view a typical example is *Ap.* 95–98. Before begetting her wonderful son, Leto is pierced for nine days and nine nights by strong pangs. The goddesses of highest degree are with her on Delos: Dione, Rhea, Themis, Amphitrite:

ἄλλαι τ' ἀθάναται, νόσφιν λευκωλένου Ἥρης·
ἧστο γὰρ ἐν μεγάροισι Διὸς νεφεληγερέταο.
μούνη δ' οὐκ ἐπέπυστο μογοστόκος Εἰλείθυια·
ἧστο γὰρ ἄκρῳ Ὀλύμπῳ ὑπὸ χρυσέοισι νέφεσσιν.

… and the other goddessess apart from white-armed Hera,
for she was seated in the halls of Zeus the cloud-gatherer;
and only the goddess of birth pangs, Eileithyia, had not learned of it,
for she was seated on the peak of Olympus under golden clouds.

Departing from his usual habit of confining *variae lectiones* to the apparatus Càssola followed David Ruhnken in deleting l. 96, which in his

[3] See Gentili 1984: 305.

view had been inserted by mistake before, and not after, l. 97. Càssola observed that l. 96 is missing in three MSS (ETM), is not necessary to the meaning of the context and is very similar to l. 98. In his view the repetition would make this passage clumsy and heavy, and inconsistent with the plain style of the Delian section of the *Hymn to Apollo*.[4] However, l. 96 fits perfecty well where it is, if it refers to Hera and not to Eileithyia (how could Eileithyia sit in the halls of Zeus without a meeting of the gods?), just as line 98 fits well in its place, if it refers only to Eileithyia, who is rightly unable to hear about Leto's pangs just because she is seated on the peak of Olympus. No reason could have driven a reciter to build l. 96 as an alternative to l. 98. Lastly, the omission of line 96 in three Medieval MSS is easily understandable in terms of the identical beginning of both lines.

Corrections

One first class of true doublets which I would like to name "corrections" are the cases in which a later poet puts forward a new formulation of a certain idea in order to modify what seems to him an oddity or a flaw. Here too I will confine myself to just one example.

At *Cer.* 256–257, as soon as Metaneira discovers that each night Demeter has hidden her baby in the burning fire, the goddess puts the boy down on the ground and says to his mother:

Νήϊδες ἄνθρωποι καὶ ἀφράδμονες οὔτ' ἀγαθοῖο
257 αἶσαν ἐπερχομένου προγνώμεναι οὔτε κακοῖο·

Ignorant men and witless to recognize beforehand
257 a dispensation of coming good or ill!

There is an alternative to these lines in a Berlin papyrus[5] (P. Berol. 13044 = *OF* 49 Kern) of the second or first century BCE, which reports a paraphrase of a poem about the abduction of Persephone and which at ll. 95–97 reshapes the lines of the hymn as follows:

ἄφρονε[ς] ἄνθ[ρω]ποι, δυστλήμονες, [οὔτε κακοῖο
257 αἰὲν ἐπ]ερ[χομένου πρ]ογνώμονες οὔτ' ἀ[γ]α[θοῖο.
(257 init. αἰὲν supplevi: αἶσαν vel ὔμμιν Bücheler)

[4] Càssola 1975: 494; see also Zanetto 1996: 241. Allen and West, on the other hand, retain the line.

[5] It was published in *BKT* V 1 (1905) no. 44.

O foolish men bitterly suffering, not discerning
257 [beforehand ill] or good coming [every time to yourselves!]

As compared with the νήϊδες "ignorant" of the Medieval tradition[6] the alternative reading ἄφρονες "foolish" seems to have been influenced by the subsequent ἀφράδμονες "witless", which in turn has been replaced in the Berlin papyrus by δυστλήμονες "bitterly suffering".[7] But here δυστλήμονες is not appropriate since Demeter is not compassionate, but only angry towards men. On the contrary, ἀφράδμονες "foolish" is relevant and prepares for ἀφραδίῃσι τεῇς "by your folly" at l. 258.

How is one to explain this change? Actually, the text transmitted by the Medieval tradition betrays a syntactic harshness in linking ἀφράδμονες and the epexegetical infinitive προγνώμεναι. By changing the infinitive προγνώμεναι into the adjective προγνώμονες, the wording recorded by the Berlin papyrus has at least the advantage of making the message simpler and smoother.[8]

Concordance interpolations

Let us next look at a class of doublets we might name "concordance interpolations," in which a reciter inserts a sequence drawn from the great Homeric poems because he deems it compatible with the context he has in his mind. My example is *Ven.* 58–63:

ἐς Κύπρον δ' ἐλθοῦσα θυώδεα νηὸν ἔδυνεν
ἐς Πάφον· ἔνθα δέ οἱ τέμενος βωμός τε θυώδης·
ἔνθ' ἥ γ' εἰσελθοῦσα θύρας ἐπέθηκε φαεινάς.
ἔνθα δέ μιν Χάριτες λοῦσαν καὶ χρῖσαν ἐλαίῳ
ἀμβρότῳ, οἷα θεοὺς ἐπενήνοθεν αἰὲν ἐόντας,
ἀμβροσίῳ ἑδανῷ, τό ῥά οἱ τεθυωμένον ἦεν.

Going to Cyprus, to Paphus, she went into her fragrant
temple, where she has her precinct and fragrant altar.
There she went in, and closed the gleaming doors,
and *there* the Graces bathed her and rubbed her with olive oil,

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[6] Νῆϊς is a poorly attested Homeric adjective (1 × *Il.*, 1 × *Od.*) which appears again in Callimachus' prologue of the *Aetia* in his attack against Telchines (*Aetia*, fr. 1.2 Pf.) and also in Ap. Rh. 3.32 and 130 and elsewhere in Hellenistic poetry.

[7] See *Ap.* 532 νήπιοι ἄνθρωποι δυστλήμονες.

[8] Obviously, this is true only if for the beginning of the second line we supply not αἶσαν (Bücheler), as in the Medieval tradition of the Hymn, but ὔμμιν (Ludwich) or rather, as I would suggest, αἰέν, which we find often in Homer linked to a present participle at the beginning of a line.

divine oil, as blooms upon the eternal gods,
ambrosial and sweet, that had been perfumed by her.

Lines 59 and 61–62 coincide with a passage from Book 8 of *Odyssey* (ll. 363–365), whereas lines 60 and 63 with one from Book 14 of *Iliad* (ll. 169 and 172 respectively).

In Càssola's view, at lines 62–63 the poet of the hymn merged two traditional formulae which pre-existed both the hymn and the great Homeric poems.[9] In fact, both lines refer to ἐλαίῳ "olive oil" at the end of l. 61 and so provide two plainly antagonistic specifications of it.[10] Likewise, l. 60, with Aphrodite as its subject, seems to be the start of a scene in which the goddess bathed herself without the aid of the Graces, in agreement with οἱ "by her" at l. 63.

New contexts: the Hymn to Apollo

A third class of doublets concerns more complex adaptations of old songs to new contexts, as we can see in the *Hymn to Apollo*. We cannot deal here with the much debated issue of the priority of the Delian (*DAp*) or of the Pythian section (*PAp*).[11] As a matter of fact I will accept that what in our Medieval tradition is transmitted as a single *Hymn to Apollo* is indeed, as David Ruhnken first supposed in 1782,[12] a fusion of two originally separate poems: a Delian hymn, concerned with Apollo's

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[9] Càssola 1975: 546f.

[10] Between the *Iliadic* sequence and the *Odyssean* one we have to choose, but the choice in favour of the second (that is *Ven.* 59 + 61–62 = *Od.* 8, 363–365) is easy because the *Iliadic* pattern would have an implausible progression in which the adjectives ἀμβροσίῳ … ἑδανῷ are left with no syntactic link. Nevertheless, Allen, Càssola, Zanetto, West keep the whole sequel 58–63.

[11] In particular, we ought to explain coincidences such as the "synchronous" cutting of the two sections (see Aloni 1989: 76–79 and Zanetto 1996: 32) and the identity between lines 19 and 207: πῶς τάρ σ' ὑμνήσω πάντως εὔυμνον ἐόντα; (in both cases this line promotes the two mythic sequels). On the basis both of the parallel passages and of such features as the use of digamma in *DAp*, West (1975: 161–170 and 1993: 11–12) conjectured that *PAp* was used as his pattern by the poet of *DAp*, but all the other linguistic signals—genitive forms, long datives and so on—imply the priority of *DAp* (7th century?), see Janko 1982: 106–107. A well known *terminus post quem* for *PAp*, whose diction seems to be characterized by a "combination of post-Homeric modifications with intersting archaisms" (Janko 1982: 124), is given by *ll.* 526ff., where Apollo announces to the Cretans the power the Amphictyones will have on Delphi. This was possible only after the confiscation of the Crisa plain at the end of the First Sacred War, about 586 BCE; see Càssola 1975: 101 and Aloni 1989: 23–24.

[12] See Ruhnken 1782: 7–8.

birth on Delos, which ends at line 176 or 178, and a Pythian hymn, concerned with the arrival of Apollo at Delphi and his establishment there.[13] On this subject we must quote a well known Pindaric scholium on *Nemean* 2.1:[14]

> Ὁμηρίδας ἔλεγον τὸ μὲν ἀρχαῖον τοὺς ἀπὸ τοῦ Ὁμήρου γένους, οἳ καὶ τὴν ποίησιν αὐτοῦ ἐκ διαδοχῆς ᾖδον· μετὰ δὲ ταῦτα καὶ οἱ ῥαψῳδοὶ οὐκέτι τὸ γένος εἰς Ὅμηρον ἀνάγοντες. ἐπιφανεῖς δὲ ἐγένοντο οἱ περὶ Κύναιθον, οὕς φασι πολλὰ τῶν ἐπῶν ποιήσαντας ἐμβαλεῖν εἰς τὴν Ὁμήρου ποίησιν. ἦν δὲ ὁ Κύναιθος τὸ γένος Χῖος, ὃς καὶ τῶν ἐπιγραφομένων Ὁμήρου ποιημάτων τὸν εἰς Ἀπόλλωνα γεγραφὼς ὕμνον ἀνατέθεικεν αὐτῷ.
>
> Homeridai were called anciently the members of Homer's family, who also sang his poetry in succession, but later this name was also given to the rhapsodes who no longer traced their descent back to Homer. Conspicuous were Cynaethus and his group who, as some say, composed many verses and inserted them into the Homeric work. This Cynaethus came from a Chian family, and, of the poems that bear Homer's name, it was he who recorded[15] the *Hymn to Apollo* and laid it to his credit.[16]

Walter Burkert has shown[17] that the occasion for which Cynaethus combined the Delian hymn with the Pythian one was the Delian and Pythian festival arranged on Delos in 523 BCE by Polycrates of Samos, with the aim of strengthening the authority of Delos as the second centre of Apollinean cult after Delphi.[18] Moreover, in regard to the cleansing of Delos as ordered by Peisistratus and to the great Ionian gathering anciently held there, Thucydides (3.104) quotes as Homer's work (δηλοῖ δὲ μάλιστα Ὅμηρος ...) lines 146–150 and 165–172.[19]

We thus have some elements for a sketch of a live performance at the Delian-Pythian festival. Since Livio Sbardella[20] has recently shown

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[13] The geographical outlook and the religious interests of the two sections also differ deeply: "the first is concerned with the Aegean islands and adjoining coasts, whereas the second is familiar with central Greece, and pungently aetiological after the manner of Hesiod" (Janko 1982: 99).

[14] III 9 Drachmann.

[15] Some scholars understand γεγραφὼς as "having composed" (see West 1975: 165–167, Aloni 1989: 11–31), but properly it means nothing more than "having put in writing" (see Janko 1982: 113–114 and De Martino 1982: 51–54).

[16] Càssola (1975: 101–102) paraphrases "stese per iscritto l'inno ad Apollo attribuito a Omero, e si presentò come suo autore", but αὐτῷ is Homer, not Cynaethus, since the scholium refers immediately before to lines inserted by the Homeridai into the Homeric work (see Sbardella 1999: 173).

[17] Burkert 1979. See also Janko 1982: 99–132.

[18] On the evidence see Burkert 1979: 59–60 and Aloni 1989: 35–37.

[19] For a detailed examination of the Thucydidean passage see Aloni 1989: 37–68.

[20] See Sbardella 1999.

that at three passages of the Delian section (ll. 70–78, 135–139, and 146–150, in this last case via Thucydides) the doublets imply a remaking by Cynaethus, I will here too touch only on one item.

At l. 165 the wording of the archetype of the Medieval tradition of the Hymns is probably the following:[21]

> ἀλλ' ἄγε Λητὼ μὲν καὶ Ἀπόλλων Ἀρτέμιδι ξύν
>
> But now, Leto and Apollo together with Artemis

But the Thucydidean tradition reads:

> ἀλλ' ἄγεθ' ἱλήκοι μὲν Ἀπόλλων Ἀρτέμιδι ξύν.
>
> But now, may Apollo be propitious[22] together with Artemis.

The first wording does not agree with the subsequent greeting to the Delian maidens (ll. 165f.): χαίρετε δ' ὑμεῖς πᾶσαι, ἐμεῖο δὲ καὶ μετόπισθε / μνήσασθ' … "and hail, all you maidens! Think of me in future too…"; so we can argue that the Medieval text of l. 165 was the start of a different ending of the Delian hymn, with a traditional dismissal in which the reciter addressed a last word to the gods he had praised before.

By contrast, the Thucydidean text pivots on the verb, ἱλήκοι, by which χαίρετε at l. 166 joins in the reciter's dialogue not with the gods but with the Delian maidens, and it is linked to a strange appeal to only two gods of the Delian triad (Apollo, Artemis and Leto) which had been mentioned just a few lines before (158f.). So this text is probably an invention of Cynaethus, who intended to praise the local chorus and to propose the seal by which he identifies himself as the blind man who lives on rocky Chios.[23] Besides, if it was permissible in epic tradition to link ἄγε to a verb in the plural (e.g. Hom. *Il.* 1.62 and 2.331), the opposite is not true, so the sentence ἄγεθ' ἱλήκοι looks very odd. It was probably a clumsy modification of an earlier and more typical reading.

But how could we explain the coalescence of older and later readings in the Medieval tradition of the *Hymns*? It has been supposed that

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[21] So, except for the division ἀλλά γε, MS M (Leidensis 22); nearly all the MSS have ἀλλ' ἄγε δὴ Λητὼ μὲν Ἀπόλλων Ἀρτέμιδι ξύν (we can suppose the omission of τ' after Ἀπόλλων), but L[5]S register, obviously by collation, the same reading as the Thucydidean tradition. It seems to me very unlikely (see Aloni 1989: 113 n. 1 and Sbardella 1999: 174) that this version may be a mechanical corruption, to be explained in palaeographical terms, of the reading attested by Thucydides.

[22] See *Hymn. Bacch.* 17 ἵληθ'.

[23] See Sbardella 1999: 174.

this tradition is the issue of two textual branches, the one known to Thucydides and the one which according to *The Contest of Homer and Hesiod* was recorded on a white panel in the Delian temple of Artemis.[24] So the Medieval tradition would be a hybrid text reflecting sometimes one version and sometimes the other.[25]

Another guess is that the Thucydidean text is the result of a new record made by Cynaethus himself, after the Polycratean festival, in Athens or at least for Athenian patrons.[26] However, as we have already noted, at l. 165 the manuscript tradition of the *Hymns* gives a reading wholly alien to a context (the greeting to the Delian girls) which requires something identical or at least very similar to the Thucydidean wording, which is precisely what modern editors are compelled to adopt here even if for the rest they follow the hymnal tradition.

Besides, Thucydides records several important textual alternatives in his other quotation (ll. 146–150) but here (ll. 166–172), in the lines which concern the seal of the poet and his taking leave of the Delian maidens and are therefore part of Cynaethus' invention, he produces only one reading which is different from that of the MSS of the *Hymns*, and scarcely a significant one. Actually, the small change ταλαπείϱιος ἄλλος ἐπελθών "another long-suffering man coming here" against ξεῖνος ταλαπείϱιος ἐλθών "a long-suffering stranger coming here" (l. 168) could have been produced somewhere along the textual branch that came to Thucydides or even within the ancient MSS tradition of the text of Thucydides.[27] By contrast, I think that we do not have a true variant at l. 171, where F. Marx's correction (1907) ἀμφ' ἡμέων, accepted by Allen, Humbert and Zanetto, is probably right, and confirmed by ἡμεῖς at l. 174.[28]

[24] See *Certamen* 18 (p. 350 West).

[25] Sbardella 1999: 171 n. 53.

[26] Aloni 1989: 109–121.

[27] If Thucydides went to a rhapsodic manuscript descending from the exemplar arranged by Cynaethus, then it is probable that the copy he used already juxtaposed the Delian and the Pythian sequences. Anyway, the sentence ἐτελεύτα τοῦ ἐπαίνου which Thucydides uses (3.104.5) to introduce the quotation of ll. 165–172 does not refer to the end of the "Delian" hymn, but only to the conclusion of the praise of the Delian maidens (see Heubeck 1966, Miller 1986: 116–118, and Aloni 1989: 27–28; otherwise Càssola 1975: 98–99).

[28] As to ἀφ' ὑμέων of MSS ET and ἀφ' ἡμέων of the other surviving copies, and ἀφήμως, accepted by Burkert 1979: 61, De Martino 1982: 92–95, Aloni 1997: 112–113 and West 2003 (with the translation "with one voice") or εὐφήμως (preferred by Ruhnken and Càssola) of the Thucydidean tradition, it seems that we have several

Therefore, I suggest that both textual streams derive from the same spring, namely from the copy or the copies made in view of the performance at the Delian-Pythian festival. Possibly, Cynaethus made use of an exemplar of the Delian hymn and of a copy of the Pythian sequel adding or having added his changes or accretions in the margins or in the spaces between the lines. It goes without saying that these novelties were liable to be recorded only desultorily and confusedly in subsequent copies.

Handing on the staff

It has rightly been remarked that the Pythian section is lacking a true proem and that the sentence (ll. 177–178):

> αὐτὰρ ἐγὼν οὐ λήξω ἑκηβόλον Ἀπόλλωνα
> ὑμνέων ἀργυρότοξον ὃν ἠΰκομος τέκε Λητώ.
>
> And myself, I shall not cease from singing the farshooter Apollo
> of the silver bow, whom lovely-haired Leto bore.

is not a regular rhapsodic dismissal as at the end of the Pythian section (l. 546 αὐτὰρ ἐγὼ καὶ σεῖο καὶ ἄλλης μνήσομ' ἀοιδῆς "and I will remember both you and another singing"), but a joining passage between the Delian section and the Pythian one. Actually, as Andrew Miller has pointed out,[29] the sentence οὐ λήξω ἑκηβόλον Ἀπόλλωνα / ὑμνέων "I shall not cease from singing the farshooter Apollo" must refer not to a future occasion, but to the present one, since οὐ λήγω "asserts emphatically that the action specified is *not* abandoned but, on the contrary, is *continued*" and λήγω was a "*vox propria* for the termination of a hymnal performance."[30] Announcing that he shall not cease from hymning Apollo the reciter avows to his audience that he will not stop singing of Apollo just when it can appear that he is.

So the Pythian section began without any proem but with two lines of connection followed by an invocation to the god which likewise aimed to produce a smoother transition between the Delian perspective and the Pythian context. Actually, the bare allocution ὦ ἄνα opens a

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more or less ingenious attempts to emend a text corrupted in a very old stage of the ancient textual tradition.

[29] Miller 1986: 65–66.

[30] See *Bacch.* 17 s., Hes. *Th.* 48 and fr. 305, 4 M.-W.

short list of Apollinean cult places which start from Lycia and Lydia and come through Miletus up to Delos, not to Delphi (ll. 179–181):

ὦ ἄνα, καὶ Λυκίην καὶ Μηονίην ἐρατεινὴν
καὶ Μίλητον ἔχεις ἔναλον πόλιν ἱμερόεσσαν,
αὐτὸς δ' αὖ Δήλοιο περικλύστου μέγ' ἀνάσσεις.

O Lord, Lycia is yours and lovely Lydia,
and Miletus the delightful town by the sea,
and you again rule over Delos washed by the waves.

But who was it that said ἐγών at l. 177? According to the *communis opinio* it was the same reciter (eventually Cynaethus) who had performed the Delian section and began to execute the Pythian one. Moreover, Aloni[31] has suggested that the new rhapsodic section was preceded by a choral performance of the Delian maidens. In fact, the praising of the mimetic voice of the Delian maidens who "after first hymning Apollo,/ and then in turn Leto and Artemis shooting arrows, / turn their thoughts to the men and women of old / and sing a song that charms the tribes of men" (ll. 158–161) could have the goal of commenting on the song, perhaps a paean,[32] which according to a tradition known to Thucydides himself[33] (who quotes ll. 165–172 as a witness to the ancient existence of a great musical festival at Delos), these girls had to sing at the same festival.

On the other hand, a lyric hymn sung by a Delian chorus between two rhapsodic recitations would have interrupted the chain *DAp* + *PAp*, whose continuity was all the more necessary after the Pythian section had been deprived of its original proem. So it seems to me that the singing and dancing of the Delian maidens preceded the rhapsodic dyad as the first choral act of an Apollinean trilogy, with ll. 158–161 aptly commenting on what the audience had heard in advance.

Anyway, the transition between the two sections through the sentence "and myself, I shall not cease from singing Apollo" could agree with the preceding rhapsodic dismissal only if the Pythian section was recited not by the singer of the Delian section, but by another rhapsode in accordance with the habit, recalled also by the Pindaric scholium quoted above, of singing in succession. If αὐτὰρ ἐγών (with due stress

[31] See Aloni 1998: 65–76.

[32] See Eur. *HF* 687 ss. παιᾶνα μὲν Δηλιάδες … ὑμνοῦσι … τὸν Λατοῦς εὔπαιδα γόνον.

[33] See also Herod. 4.35, Call. *Del.* 304 s., and Paus. 8.21.3 (on the hymns introduced at Delos by Olen, the Lycian singer). See Aloni 1998: 69–70.

on ἐγών) pointed to a new reciter, different from the one pointed out by ἐμεῖο at l. 166, then οὐ λήξω aimed at what had been achieved till then not by the man who began to recite, but by the Homeridai of Chios as a group within the program of the Delian-Pythian festival.

Such an interplay between one reciter and his group came to the surface immediately before (ll. 166–176):

χαίρετε δ' *ὑμεῖς* πᾶσι· *ἐμεῖο* δὲ καὶ μετόπισθε
μνήσασθ', ὁππότε κέν τις ἐπιχθονίων ἀνθρώπων
ἐνθάδ' ἀνείρηται ξεῖνος ταλαπείριος ἐλθών·
ὦ κοῦραι, τίς δ' *ὔμμιν* ἀνὴρ ἥδιστος ἀοιδῶν
ἐνθάδε πωλεῖται, καὶ τέῳ τέρπεσθε μάλιστα;
ὑμεῖς δ' εὖ μάλα πᾶσαι ὑποκρίνασθ' *ἀμφ' ἡμέων*·
τυφλὸς ἀνήρ, οἰκεῖ δὲ Χίῳ ἔνι παιπαλοέσσῃ,
τοῦ πᾶσι μετόπισθεν ἀριστεύουσιν ἀοιδαί.
ἡμεῖς δ' ὑμέτερον κλέος οἴσομεν ὅσσον ἐπ' αἶαν
ἀνθρώπων στρεφόμεσθα πόλεις εὖ ναιεταώσας·
οἱ δ' ἐπὶ δὴ πείσονται, ἐπεὶ καὶ ἐτήτυμόν ἐστιν.

Hail, all *you* maidens! And think *of me*
in future too, if ever among the men on the earth
some long-suffering stranger comes here and asks:
"O girls, which is *your* favorite singer
who comes here, and who do *you* enjoy most?"
Then *you* must all answer *about us*:
"It is a blind man who lives in rocky Chios,
and all of his songs remain the best afterwards."
And *we* will carry *your* renoun wherever *we* go
as *we* wander through the well-ordered cities of men,
and they will believe this, because it is true.

The greeting (χαίρετε) of the reciter of *DAp* (Cynaethus) to the island girls and his promise that the Homeridai will carry their renown through the cities of men are his way of saying good-bye and leaving: it is plainly inconceivable that after such an emphatic dismissal he could still recite around 360 lines.[34] Likewise, it is very improbable that a single reciter could use both true futures twice, οἴσομεν at l. 174 and πείσονται at l. 176 (with the praise which also in new festivals the Delian maidens will receive from the Chian Homeridai), and an "encomiastic" future, linked to the present occasion, such as λήξω at l. 177.

Generally, in the passage just quoted the first person plural has been understood as equivalent to first person singular, but in Homer the use of a plural person with reference to a single one appears to be limited

[34] See Càssola 1975: 97.

to instances, as *Il.* 7.196 (Ajax) and 22.391 ff. (Achilles), where some chief refers to himself and his own fellows.[35] Just as ἡμεῖς in *Iliad* 2.486:

> ἡμεῖς δὲ κλέος οἶον ἀκούομεν
>
> but *we* hear only the fame of deeds.

and ἡμῖν at *Odyssey* 1.10:

> τῶν ἁμόθεν γε, θεά, θύγατερ Διός, εἰπὲ καὶ ἡμῖν
>
> of all these events tell us something, o goddess, from wherever you want.

here too ἡμεῖς cannot mean but "we, the singers". So in *Hymn. Bacch.* 17–18 too:

> οἱ δέ σ' ἀοιδοί
> ᾄδομεν ἀρχόμενοι λήγοντές τ'
>
> and we singers sing of you as we begin and as we end.[36]

In other words, at the end of the Delian section the first person plural referring to singers wandering through the cities of men has, I believe, the pragmatic function of emphasizing the moment in which one rhapsode handed on his staff to another reciter of the same group.

Lastly, since the sentence "it is a blind man who lives in rocky Chios" is the reply to a question ἀμφ' ἡμέων, it requires that the "blind man" stood out both as the mythic *alter ego* of Cynaethus and as the voice of all reciters who had a right to be called Homeridai: namely Homer, worshipped on Chios as culture hero[37] in whose name all the Homeridai identified themselves.[38]

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[35] Cf. Chantraine 1953: 33–34. In Hes. *Th.* 1 Μουσάων Ἑλικωνιάδων ἀρχώμεθ' ἀείδειν the poet, as can be seen from l. 36 τύνη, Μουσάων ἀρχώμεθα, addresses himself.

[36] These parallels contrast with the possibility, envisaged by Kirk (1985: 167) and Grandolini (1996: 46), that ἡμεῖς in *Il.* 2.486 might point to "we, the men". It is true that there is a "contrast between divine omniscience and human ignorance" (Kirk), but "we" must denote in essence, if not exclusively, the singers—"ego et ceteri ἀοιδοί" (van Leeuwen)—at the very moment in which *this* singer begins his poem.

[37] About Homer as culture hero see Nagy 1996: 59–86. The earliest evidence that the blind man of Chios is Homer is Simon. fr. 19.1–2 W.[2] ἓν δὲ τὸ κάλλιστον Χῖος ἔειπεν ἀνήρ· / οἵη περ φύλλων γενεή, τοίη δὲ καὶ ἀνδρῶν. Despite the doubts expressed by Davison 1968: 76–77 and Burgess 2004: 122–124, it seems obvious that it is a true 'quotation' from *Il.* 6.146, and Simonides himself refers to Homer by name in fr. 564.4 *PMG* οὕτω γὰρ Ὅμηρος ἠδὲ Στησίχορος ἄεισε λαοῖς and 20.14 W.[2] = *eleg.* 7.19 G.-P.

[38] I am thankful to Livio Sbardella and Ruth Scodel for comments on an early draft of this paper.

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ORALITY AND THE POLITICS OF SCHOLARSHIP

Annette Teffeteller

While all areas of enquiry are subject to potential distortion resulting from the prior perspectives of researchers, the discussion of orality has been burdened with more than its share of ideological baggage. This paper looks at two areas in which the value-laden perspectives of commentators have been particularly limiting for our understanding of the nature of orality and of its relation to and interaction with literacy, and sounds a warning for a third.

The comparative material

In those days, now it was in those days,
In those nights, now it was in those nights,
In those years, now it was in those years…[1]

The formalized opening of the Old Sumerian narrative poem *Ashnan and her Seven Sons* is typical of Sumerian poetry and is echoed in many examples from later stages of the Mesopotamian tradition; one instance is the story of *Gilgamesh, Enkidu and the Nether World*, which uses the same opening with some embellishment:

In those days, in those distant days,
In those nights, in those far-off nights,
In those years, in those distant years…[2]

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1 *Ashnan and her Seven Sons* (*IAS* 283 = 231 = 284–296) 1–3

[u_4 re] u_4 [re] na-nam
gi_6 re gi_6 re na-nam
mu re mu re na-nam.

2 *Gilgamesh, Enkidu and the Nether World* 1–3

u_4 re-a u_4 sù-rá re-a
gi_6 re-a gi_6 ba_9-rá re-a
mu re-a mu sù-rá re-a.

The repetition and parallelism so heavily characteristic of these lines provide the constitutive structure of Sumerian poetry. As Sumerologists and Assyriologists agree, "no rigid metrical system can be discerned in Mesopotamian texts";[3] Sumerian poetry therefore—and the later Akkadian poetry as well—does not rely on the use of the formula as defined by Parry (and regarded as constitutive of oral poetry): "a group of words which is regularly employed under the same *metrical* conditions to express a given essential idea."[4] At the same time much, indeed most, of Sumerian and Akkadian poetry is evidently oral in origin and clearly (in some sense) formulaic.[5] This circumstance in itself is enough to confirm the parochial nature of Parry's definition of the formula, which has applicability, however problematic, to Homeric epic and to the South Slavic material which formed the basis of Parry's fieldwork and that of his student, Albert Lord, but not to much of the world's oral poetic and parapoetic texts, whether in recent and contemporary living traditions or captured in the written documents of traditions long since vanished.[6]

The device of repetition and parallelism with incremental progression is seen in the Akkadian *Atrahasis* (I 70–73), with its typically Akkadian rhythmic patterning in the grouping of lines and the balance of accentual units:

> It was the mid watch of night;
> the house was surrounded, the god did not know;
> it was the mid watch of night,
> Ekur was surrounded, Ellil did not know.[7]

Martin West points out that this rhetorical scheme goes back to Sumerian poetry, "where we frequently meet passages in which the thought

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[3] Alster 1992: 27.

[4] Parry 1930: 30 (emphasis added); Alster 1992: 23; cf. Alster 1972.

[5] While the (extent of the) oral nature of the texts we possess is a matter of some controversy, the predominant view is that the texts recorded on clay tablets are in most cases merely a record of orally composed works. For opposing perspectives see, on the one hand, Alster 1972, and, on the other, Cooper 1981; in any case, as Cooper observes (1981: 227), "no one…is prepared to defend the notion that the Sumerians *never* had an orally-composed literature."

[6] The corollary is that in many traditions, including the Mesopotamian, in "literary" texts—texts which show evidence of composition by writing—the diction is also highly formulaic, and in prose as well as in poetry.

[7]
> *mišil maṣṣarti mūšum ibašši*;
> *bĩtu lawi, ilu ul ĩdi*;
> *mišil maṣṣarti mūšum ibašši*;
> *Ekur lawi, Ellil ul īdi.*

develops slowly through a thicket of repetition," as in *The Descent of Inanna* 1–6:

> From the upper heaven she had her heart set on the netherworld,
> the goddess had from the upper heaven her heart set on the netherworld.
> Inanna had from the upper heaven her heart set on the netherworld.
> My lady forsook heaven, forsook earth, went down into Hades.
> Inanna forsook heaven, forsook earth, went down into Hades.
> Lordship she forsook, queenship she forsook, went down into Hades.[8]

"Such a style," West comments, "is intelligible only as song."[9]

As for the central criterion of orality on the Parry–Lord theory, *composition-in-performance* (the method Parry and Lord observed in the South Slavic tradition), the Mesopotamian texts do give some evidence of oral improvisation, but only in one restricted genre, debate poems (which for classicists are reminiscent, at least in their apparent origins, of the genre of Greek iambic poetry, with its stylized, indeed quasi-ritualized, insults), e.g., the *Disputation Between Two Women*,[10] in which two women in a public setting hurl insults at each other until one of them starts to cry, whereupon the other is pronounced winner of the debate.

Otherwise, Mesopotamian oral poetry was evidently *not* improvised. All our evidence suggests that, on the whole, Mesopotamian poems were the result of *premeditated* oral composition, that they were transmitted in a relatively fixed form, that transmission was oral even when a written record of the poem was also kept, and that the poems were not created or re-created at each new performance. This process of premeditated oral composition is seen in our earliest reference to a named poet composing a poem, where we also see, interestingly, a distinction made between the poet and the performer; in the Sumerian text entitled *Nin-me-shár-ra* (138–140) the priestess Enheduanna, daughter of Sargon of Akkade, says that she "created" a hymn to Inana, that she recited the song to the goddess at midnight, and that she had a singer (a *nar*) repeat it at noon the next day.[11]

At the same time it is indisputable that written records were highly valued in Mesopotamian culture, that such documents were felt to

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[8] West 1997: 594.

[9] West 1997: 594.

[10] *Dialogue 5*; Alster 1992: 32. The problem remains that the text we have is (as a written text) fixed; but the genre was evidently originally improvised in performance.

[11] Alster 1992: 29; Cooper 1992: 113.

provide a permanency that the record of memory could not guarantee (and certainly, from our perspective, rightly so, since we—thankfully—have the documents but do not have the oral preservation of their contents). In the early period of Mesopotamian writing, this new skill was used only for administrative record keeping, as it apparently was in Mycenaean Greece and elsewhere, but within half a millennium, around 2600 BCE, our earliest "literary" texts appear. One of these texts attests at one and the same time to the importance of the oral tradition of song, to the value placed on writing (at least by the rulers), and to the process of transmission of oral art to written document. A portion of one of the praise songs composed for Shulgi, the deified king of Ur, reads as follows:

> He [the *nar* singer] should attend to what is old, and not allow it to be neglected. …
> Let nothing be neglected in practice,
> Let him apply himself to the art of singing.
> …
> Let the scribe stand by, and catch (the songs) in his hand (writing),
> Let the singer stand by, and "speak" to (the scribe) from (the songs),
> So that they will be perpetuated thus in the scribal college.
> …
> So that none of my praise-songs should perish,
> So that none of my words should be dropped from the tradition.[12]

This passage presupposes oral composition and indicates a twofold tradition of transmission, both in performance and in writing. But it is important to note that it does *not* indicate composition—or even revision—by means of writing. Writing is here evidently used *only* as a record of the living performance. As extensive as writing is in the recording of Mesopotamian "literature," we have no evidence that it was ever widely perceived as anything more than a record; on the contrary, all indications are that the living word was assumed to have a status parallel to that of the living deed; both could be *recorded* in written documents and *remembered* via written documents but the *performing* of both word and deed was recognized as prior to and separate from the record of them.[13]

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[12] *Shulgi B* 275–331; Black 1992: 100–101; as Black notes, "This is a difficult passage and the above translation is offered as a possible interpretation."

[13] The difficulties in sorting out the original form of *both word and deed* are readily apparent. Just as we recognize the effect of the literary tradition on our perception of the deeds of, e.g., Roland or Alexander (or indeed historical and political figures much closer to our own time) so we must recognize the possible effects of a written tradition

This is not to deny the practice of revision—or rather variation on a theme—over time. Indeed, as Jerrold Cooper points out, unlike the situation with Greek epic, we have the Sumerian epic of Gilgamesh "in two recensions, separated by nearly a millennium, with fragments of intermediary recensions"; the evolution of this epic can thus "be observed and charted."[14] The later version appears to have been prompted at least in part by political considerations; Alster notes that "the text is actually the result of a conscious reworking of the entire composition in which the trade relations between Sumer and the land of Huwawa are brought into focus."[15] The textual revisions that can be traced in the intermediary recensions may have resulted from either oral or written ("literate") reworking, or both, but it is unquestionable, as Alster says, that "the text was at home among an audience who shared some common knowledge about the general development of the story, so that the different versions had the character of variations on a common theme."[16] West compares the "minor textual variations in the Neo-Assyrian and late Babylonian copies of standard texts" with "the so-called 'wild' variants characteristic of Homeric texts down to about 150 BCE,"[17] presumed to be the result of oral variation on the part of performers not relying (or not exclusively at any rate) on a fixed standard text. As might be expected, however, written transmission in the scribal schools played an ever-greater role as Sumerian ceased to be a spoken language. Alster emphasizes the role played by the schools in this regard and the significance of the establishment of library collections. Later Akkadian translations of Sumerian texts are exact translations of the standard text, "from a time when the living tradition did not exist anymore."[18] That is, the living tradition of oral poetry that existed in the Old Babylonian period was no longer Sumerian.[19]

on an originally oral literature (cf., e.g., Black 1992: 101 on "the possibility of either line of transmission [oral or written] being influenced by the other at any point").

[14] Cooper 1992: 107; see Kramer 1947, Tigay 1982, and George 2003.

[15] Alster 1992: 65.

[16] Alster 1992: 65.

[17] West 1997: 601.

[18] Alster 1992: 62.

[19] Some Mesopotamian texts do indeed show elements that depend exclusively on the medium of writing. The most compelling example and the one always cited in this regard is the Babylonian *Theodicy*, which consists of 27 stanzas of 11 lines each, in which all 11 lines of each stanza begin with the same sign, but—and this is the crucial point—where the sign does not always indicate the same phonetic value, and the 27 signs spell out the name of the poem's composer, *Saggil-kinam-ubbib*. Clearly, however, this acrostic

In 1981 Jerrold Cooper pointed out how much classicists could learn from Assyriologists "about the development of an epic tradition"[20] and a decade later he recalled this still unheeded advice which had been, he says, "stubbornly ignored" for reasons which he took to be at best insular and at worst discriminatory:

> The willful ignorance of Mesopotamian epic traditions on the part of our colleagues in Classics seems to validate the presence of a strong anti-oriental, and at times anti-semitic, strain in that field.[21] This attitude reached a kind of apogee in Eric Havelock's contention, roundly trounced by Mogens Larsen, that "the deficiencies of cuneiform as an instrument of acoustic-visual recognition" explains Gilgamesh's inferiority to Homer.

In a similar vein, and simply ignoring the existence of pre-Greek or non-Greek achievements, Bruno Gentili has recently argued against the possibility of Mycenaean written epic:

> It is impossible to believe that Mycenaean scribes, employed to compile palace catalogues and inventories and using syllabic script, would have been able to come up with a redaction of epic songs; they would have produced, if anything, reduced and simplified texts, compatible with the inherent limitations of the mode of writing they employed.

But apparently Greek letters alone would not be sufficient to fix a Homeric epic. Arguing against a late eighth or early seventh century written text, before papyrus was readily available in Greece, he writes: "Can one really suppose that the…*Iliad* and the…*Odyssey* were first permanently transcribed…*on skins*?"[22]

The Mesopotamian tradition has not, however, been uniquely ignored by classicists. Cooper deplores what he sees as "romantic notions of a common Indo-European tradition" accounting for an "aversion

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and other such *jeux d'esprit*, as Martin West calls them, are merely scribal diversions which had no impact on the main traditions of poetic and parapoetic texts. Cf. Alster 1992: 25–26; West 1997: 594.

[20] Cooper 1992: 107; Cooper 1981: 228 n. 23.

[21] The note on this passage (Cooper 1992: 108 n. 14) is worth quoting at some length: "Among disciples of the oral-formulaic school, the aversion to the ancient Near East seems tied to romantic notions of a common Indo-European tradition of epic theme and language; …. A similar romantic attachment to the *guslar* as *the* model for the Homeric bard can be traced to Lord's belief that the *guslar* is the heir of a bardic tradition that goes straight back to the Homeric singers of the early first millennium BCE." (With reference to Bernal 1987, Burkert 1984, and Foley 1988.)

[22] Cooper 1992: 107–109, with reference to Larsen 1989b: 124–125, 142–143, and Gentili 1988: 16–17.

to the ancient Near East" on the part of classicists.[23] But in this he is too insular himself; classicists have not singled out *his* area for neglect; they have also stubbornly ignored other *Indo-European* traditions, among them one of the most potentially instructive for our understanding of oral traditions, Vedic Sanskrit. This body of comparanda was available all along and was explicitly brought to the attention of classicists and "oralists" by Paul Kiparsky in 1976 (in the publication of a University of Michigan conference held in 1974).[24] Kiparsky points out that the Vedic literature "is remarkable in several respects: the extent of the compositions, the great length of time (well over two thousand years) during which it has been continuously transmitted in oral form, and the absolute fidelity with which the text has been preserved, down to the smallest phonetic details." His assessment is worth quoting at length:

> This astonishing feat was made possible by a hereditary priesthood which regarded the verbatim recitation and preservation of the texts as its most important duty. In addition to memorization of the connected text, two other methods of fixing the text helped to secure its stability. The first was an elaborate system of analytic recitation, including the *padapâṭha*, a form of word-by-word recitation (showing the shape of each word *in pausa*) and a variety of permutations of the words (e.g., *krama*: AB, BA, BC, C, CB, etc., *ghana*: AB BA, ABC CBA ABC, BCCB, BCD DCB BCD, CDDC, etc.) Secondly, there were auxiliary treatises, themselves memorized, on phonetics and philology (*shikṣâ*). They ranged from sophisticated investigations into the articulatory mechanisms of speech (far superior to the achievements of modern phonetics until the development of instrumental techniques) to more pedestrian aids to pronunciation, e.g., a list of all 641 words in the White Yajurveda containing the sound *b* (which was liable to be confused with *v* because of their phonetic merger in some of the vernaculars). There is evidence that the typical minor kinds of variation (e.g., in word order) have affected the text at a very early date, but over two thousand years ago standardized (oral) editions of the texts were prepared, which have come down in unchanged form to this day.
>
> The importance of India for a theory of oral tradition is that it is a unique example of a rich and highly developed culture, embracing both literature and sciences, which is completely oral.... This was so in spite of the fact that writing has clearly been known in India for over two thousand years. Its primary and original use, as is generally the case (cf. Mycenaean), was for accounting and administration. The secondary use of writing, that of recording literature, arose late and never assumed the

[23] See note 21 above.
[24] Kiparsky 1976.

> importance in India that it got very early in Europe and the Far East. When a text survived "only in (written) books" (*granthamâtre*) it was as good as dead. Among Vedic priests, writing was even regarded as an unclean activity which required subsequent ritual purification. In this culture, then, we have the exact opposite of the expected situation: oral tradition maintains a text in extremely fixed form, whereas a purely written text is evanescent, and if it survives at all, will be subject to thorough changes in form.[25]

The Parry–Lord model of oral composition excludes by definition the corpus of Vedic hymns.[26]

It also excludes the rich tradition of Pre-Islamic Arabic poetry, dating from c. 500 CE:

> The *Qaṣîdah* or ode was a form of composition which was subject to very rigid conventions both as to the contents and sequence of its parts, and there can be no doubt that the laws in which the poems were cast must be the outcome of a long tradition of verse-making prior to the oldest poems handed down to us. The poet, *shâ'ir*, was held in high esteem as a guide and counselor. It is reported that a poet could spend months, or even a year, on refining a single ode. The texts were transmitted mouth to mouth until they were collected and written down by the Arab Humanists.[27]

This type of premeditated and polished composition prior to performance is in fact evident in most of the oral traditions known to us, whether from the ancient world or the modern. It is precisely the South Slavic composition-in-performance type which is comparatively unusual. This makes the South Slavic tradition interesting for reasons other than those offered us by Parry and especially by Lord but it decidedly rules out the South Slavic model as the paradigm case for orality.[28]

If we are to approach the question of orality in Greek epic with all the tools at our disposal, we cannot ignore the Arabic tradition, or the Vedic, or the Mesopotamian, or the plethora of modern oral traditions brought to our attention by Ruth Finnegan and others in recent years.[29] We cannot, then, exclude "conscious choice" from orally composed

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[25] Kiparsky 1976: 99–101.

[26] Lord 1960: 280: "sacred texts which must be preserved word for word, if there be such, could not be *oral* in any except the most literal sense."

[27] Alster 1992: 28–29.

[28] The inadequacies of the Parry–Lord theory of orality, based on the South Slavic model, were never more effectively discussed than by Smith 1977.

[29] Finnegan 1976; Finnegan 1988; cf. Schousboe and Larsen (eds.) 1989; Olson and Torrance (eds.) 1991.

poetry nor can we claim (as has recently been done with reference to the Homeric poems) that "aesthetic" considerations may predominate over "merely technical" aspects of poetic diction only "when an oral and aural art deepens and widens its artistic scope by absorbing the discovery of alphabetic literacy and thereby enhancing the technically useful to become the aesthetically effective."[30] Such perspectives needlessly deny the possibilities of an oral tradition, possibilities which I for one see realized in the early Greek epic.

Literacy, culture, and cognition

> *The use of letters is the principal circumstance that distinguishes a civilized people from a herd of savages, incapable of knowledge or reflection.*
>
> Gibbon, *Decline and Fall of the Roman Empire*

Gibbon's observation epitomizes a view that has dominated approaches to the literacy-orality distinction for the past century. Although typically expressed in more muted language, the view is widely prevalent that it is the use of writing that represents "the single firm criterion for distinguishing the city, the nucleus of civilization, from other types of early settlements,"[31] indeed that distinguishes "civilized" people from "non-civilized" generally, with all that this implies for the cultural institutions associated with "civilized" societies. Thus it is writing that is seen as bringing about a variety of social, cultural, and cognitive developments from the rise of democracy and science in ancient Greece, following the introduction of alphabetic literacy, and in particular it is *print* writing that is credited with bringing us the Renaissance, the Reformation, European expansion, modern science, politics, and capitalism, and in general social and intellectual life as we know it today.[32]

This technological revolution—in three stages of sequential development: the invention of writing, of the alphabet, and of the printing press—was the focus of seminal work by Eric Havelock, Jack Goody,

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[30] Friedrich 2002: 67, 70. On the notion of the "transitional" text see Jensen 1998. See also Russo 1976 and 1992, and Nagy 1996.

[31] Sjoberg 1960: 33 (cited in Larsen 1989a: 8).

[32] Ong 1982: 117–118.

and Walter J. Ong in a series of books and articles in the 1960s, 70s, and 80s, some defiantly sporting titles which were manifestoes in themselves: *The Domestication of the Savage Mind*, "Writing is a technology that restructures thought."[33]

Havelock emphasized especially the importance of the alphabet, and by this he meant the *Greek* alphabet, denying alphabetic status to the Phoenician writing system which was adopted and adapted by the Greeks sometime before the middle of the eighth century BCE. For Havelock, the Phoenician script was not a true alphabet but a syllabary without the vowels,[34] and he considered syllabic and logographic systems to be incapable of representing the "complexities" of speech. Havelock's essential claim was that the pre-alphabetic scripts were hard to read so they had to keep the message simple—repetitive, formulaic, built on type scenes and type characters, not the kind of thing he saw in Greek culture: "the so-called literatures of the ancient Near East…are not literature in the Graeco-Roman sense…. …the basic complexity of human experience is not there."[35] The limitations of these scripts, for Havelock, necessitated a focus on religion and myth because "these tend to codify and standardize the variety of human experience so that the reader of such scripts is more likely to recognize what the writer is talking about."[36]

While civilization survived the adaptation of the Greek alphabet to Roman usage, a third variety—for the Christianizing Slavs—was too much. The "unfortunate decision," the "disastrous accident of misplaced ingenuity" which produced the Cyrillic alphabet led directly, in Havelock's view, to the fall of Byzantium and the invasion of the (lamentably non-alphabetic) "Arabic script," bringing with it a breakdown in both the political and religious spheres and a loss of literacy

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[33] Havelock 1963, 1976, 1978, 1982, 1986, 1991; Goody and Watt 1968; Goody 1977, 1986, 1987; Ong 1967, 1982, 1992.

[34] Cf. Gelb 1952; against Havelock's views see, among others, Harris 2000, especially Chapter 5, "Alphabetical Disorder."

[35] Havelock 1976: 33–34.

[36] Havelock 1976: 35. Havelock's bizarre views were influenced by the decidedly original and profoundly influential perspectives of Marshall McLuhan, whose oracular pronouncements included the following: "Only the phonetic alphabet makes a break between eye and ear, between semantic meaning and visual code; and thus only phonetic writing has the power to translate man from the tribal to the civilized sphere, to give him an eye for an ear" (McLuhan 1962: 38). For a more sophisticated linguistic perspective see Harris 1986, 2000; Larsen 1989b; and Downing, Lima, and Noonan (eds.) 1992, especially the studies by Aronoff and Daniels.

among the populace: "a severance between rulers and ruled, a revival of bureaucratic despotism and of religious monopoly of authority, while among the vulgar, habits of purely oral communication and preservation were re-established."[37]

In the West, literacy and the vernacular, long sundered while "the alphabet remained imprisoned" by learned Latin (and, as a consequence, "the intellectual energies of Europe remained dormant"), were at last reunited and, with the addition of print technology, the "age of modernity, of modern literature, of modern thought and modern science, was at hand."[38]

In his 1987 conference paper on "The oral-literate equation," delivered in the year before his death, Havelock's views, while less flamboyant in their expression, remained essentially unchanged. Tracing the history of the discussion of literacy in relation to orality, Havelock concludes that "some theoretic order can be placed upon the oralist-literate equation only as it relates to the invention of the Greek alphabet."[39] The (Greek) alphabet gave us (Greek) literacy and literacy gave us (Greek) prose and the deployment of prose allowed the Greeks to put aside "the narrative requirement, the activist syntax, and the living agents required for all oral speech held in the memory" and replace these with "a reflective syntax of definition, description, and analysis", and to bequeath this mode of discourse to us with the result that "European culture slowly moved over into the ambience of analytic, reflective, interpretative, conceptual prose discourse."[40]

Havelock's views were accepted and shared by Goody and Ong but their concerns were more broadly focused on the cultural and, especially, cognitive consequences of literacy for modern societies. While Havelock suggested that the *pensée* famously examined by Lévi-Strauss would have been better characterized not as *sauvage* but as *oraliste*,[41] Goody exploited the connotations of the "savage" label (even more dramatic in English usage than the French *sauvage*) in his effort to

> map out an approach to the problem of cognitive processes, the "nature of human thought," *l'esprit humain*…, which attempts to take account of the effects of differences in the mode of communication between and

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[37] Havelock 1976: 74–75.
[38] Havelock 1976: 78.
[39] Havelock 1991: 19.
[40] Havelock 1991: 25.
[41] Havelock 1991: 21; Lévi-Strauss 1962.

> within human beings. …the new potentialities for human cognition that are created by changes in the means of communication. …ways in which the use of writing seems to have influenced cognitive structures.[42]

What began as a concern (already problematic) with "mind" in the sense of "mind-set" or "world-view" of "oral" versus "literate" cultures slid into claims about "mind" in the sense of cognitive capabilities (eventually even brain structure) of individuals inhabiting those cultures. This claim was elaborated in Ong's widely influential 1982 book *Orality and Literacy*, the key work in the new, literacy-centered version of the "cultural relativity" theory which holds that "writing restructures consciousness," that literacy creates a new kind of mentality. Ong's project was to reveal what "the new world of writing…truly is, and what functionally literate human beings really are" and what they are, he concluded, are beings whose consciousness has been "transformed" by writing;[43] hence his 1992 title, summing up his work and defying his critics with the provocative claim: "Writing is a technology that restructures thought."

While the views of the school of thought represented by Ong and Goody have been and continue to be profoundly influential, they have also been attacked from various quarters. Roy Harris calls them simply a "principal source of nonsense about literacy"[44] and urges that in investigating these matters we need to free ourselves from "ethnocentric assumptions" and a "tendency to flatter our literate self-esteem."[45]

Advances in doing just that were being made in the meantime; 1989 was a very good year, seeing the appearance of two profoundly insightful and soberly non-ideological studies of the interaction of orality and literacy in classical antiquity: Rosalind Thomas's *Oral Tradition and Written Record in Classical Athens* and William V. Harris's *Ancient Literacy*, as well as the collection of papers on *Literacy and Society* edited by Karen Schousboe and Mogens Trolle Larsen for the Center for Research in the Humanities of Copenhagen University, which included Øivind Andersen's appraisal of "The Significance of Writing in Early Greece" (he concludes, with Thomas and Harris, that that significance has been seriously overstated), and the compelling demonstrations—based on non-European traditions—by Larsen, Maurice Bloch, Jonathan Parry,

42 Goody 1977: 160, 17.
43 Ong 1982: 79.
44 Harris 2000: 235.
45 Harris 2000: 15.

and Christopher Eyre and John Baines of the untenable status of the thesis linking alphabetic literacy and cognitive structures.[46]

Literacy-centered approaches to the oral-literate divide ran directly counter to Romantic perspectives, which tended to equate "orality" with "folklore," a subject of passionate interest from the mid-nineteenth century, although, paradoxically, both approaches share an "evolutionist" perspective, differing only in their respective assessments ("progressivist" or "anti-progressivist") of the value of cultural and intellectual "evolution."

The Romantic view of oral poetry (the "song" of the "folk") as representing "an instinctive, artless outburst of feeling" from a "lost world in the past when man and his emotional expressions were free, integrated and natural,"[47] found its metaphor in the image of wildflowers: "...like the wild flowers that have not yet come under the transforming hand of the gardener."[48] This attitude to art, contrasting the "natural" art of the "folk" (their "wildflowers") with the "artificial" art of "civilized" society (and its "gardeners") reflects the paradoxical rejection of the garden in Andrew Marvell's transforming epitome of pastoral, *The Mower Against Gardens*: the garden, once the refuge, has become the problem and its "dead and standing pool of air" must be fled for the "sweet fields," not yet seduced, where still "the gods themselves with us do dwell."

Scholars whose perspectives were framed by Romanticism did not, needless to say, embrace the progressivist claims of Ong and Goody. Some simply denied the claims but a subset opted, more interestingly, for a view of literacy which accepted (some of) the claims for its cultural effects and deplored them. In a complex blending of romantic and modernist approaches, resulting in a view of oral-literate interaction at once dismissive and patronizing, objections were raised concerning the baneful effects of writing. The concern was not merely that writing *could* cause harm (as Harris notes, the "first mention of writing in European literature" (*Iliad* 6.168) depicts it as a tool for harm: the *semata lugra*, the exotic "baneful signs," intended to bring about the death of the hero Bellerophon) but that writing inevitably *would* cause harm, a

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[46] Thomas 1989 (cf. Thomas 1992), Harris 1989, Schousboe and Larsen 1989. Cf. Olsen and Torrance (eds.) 1991, especially the articles by C.F. Feldman, J.P. Denny, and R. Narensimhan.

[47] Finnegan 1988: 33.

[48] Fletcher 1900: ix (cited in Finnegan 1988: 33).

view already voiced by Lévi-Strauss in his *Tristes Tropiques*: "the primary function of written communication is to facilitate slavery."[49]

Others, notably Ruth Finnegan, countered with the more sensible observation that writing, like any tool, could be used for good *or* bad; the deciding factor is who controls it and what use they choose to make of it.[50]

Syntactic typology

An extension of the "cultural relativity" theory holds that "literacy restructures syntax," that is, that the syntactic typology of a given language is determined by cultural practice: "Oral culture is supposed to grammaticalize the syntactic propensities of spoken language and literate culture is supposed to grammaticalize the syntactic propensities of written language."[51] The typologies at issue here are "configurational" versus "nonconfigurational." Nonconfigurational languages have a flat phrase structure, as opposed to the hierarchical structure of Modern English, French, German, etc. (these showing the sort of structure that lends itself so readily to representation in Chomskyan phrase structure trees). Nonconfigurational structures do not branch, with ever higher nodes dominating the branches below them. Typically, nonconfigurational languages avoid lexical arguments and adnominal modifiers, in a syntax based on juxtaposition, not government and embedding. As a result this type of syntax is characterized by the use of adjunct lexical arguments and prodrop, discontinuous constituents, and markedly free word order and parataxis, with a rich morphology encoding much of the syntactic information.[52]

The potential problem of concern in the present context arises from the fact that, in general, languages used by contemporary literate societies show configurational syntactic typology, whereas nonconfigurational syntax tends to be found among nonliterate or very recently and/or marginally literate societies, societies which also tend not to rely on highly developed technologies, resulting in an association of syntac-

[49] Lévi-Strauss 1973: 300 (cited in Harris 1989: 38).
[50] Harris 1989: 36–40.
[51] Devine and Stephens 2000: 208. Cf. Gumperz, J.J. and Levinson, S.C. (eds.) 1996.
[52] See Devine and Stephens 2000: 149–150 and *passim*; see also Hale 1982, 1983, 1994, Jelinek 1984, and Teffeteller 2001, especially 267–268 for terminology.

tic typology with socio-cultural institutions, the rise of Western scientific and technological cultures being explicitly or implicitly identified with the shift from nonconfigurational to configurational syntax. The fact that most researchers concerned with the orality-literacy issue inhabit a highly literate culture and make use of quintessentially configurational syntax has the potential for seriously skewing the results of the enquiry due to markedly prejudicial perspectives brought to the investigation of the syntactic typology associated with a particular oral or literate tradition.

My own particular concern is with the language of the early Greek epic tradition and already here the privileging of configurational syntax has conditioned the debate. Aristotle's *léxis eiroménê* ("strung-on way of speaking" or "running style"), taken by Parry as the chief characteristic of Homeric diction, the "adding style," was pronounced by Eduard Norden a century ago to be characteristic of the language of "children and primitives."[53]

This view is implicitly accepted and explicitly maintained by the vast majority of commentators on Homer. G.S. Kirk, in his magisterial and influential summation of the state of Homeric orality scholarship in 1962, *The Songs of Homer*, refers complacently to the epic diction's "unsophisticated tendency to state logically subordinate ideas as separate, grammatically co-ordinate propositions."[54] Egbert Bakker, who cites these views in his discussion of "orality and Homeric discourse," notes further that Kühner and Gerth describe parataxis as "a primitive stage of linguistic expression, the precursor of more sophisticated stages in the development of text and the human mind."[55] Indeed, Bakker himself has recently been attacked on the ground that his "oral-cognitive" reading of epic diction "primitivizes [Homer] unnecessarily."[56]

What then will be the response when, armed with such perspectives, a reader of Homer is asked to look for comparable syntactic typology to the Brazilian indigenous language Hixkaryana, where the phrase "Nonato has come from Manaus with his wife" is structured as "he-

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[53] Norden 1909: 37 n. (cited in Bakker 1997: 42 n. 12).

[54] Kirk 1962: 169.

[55] Bakker 1997: 42 n. 13.

[56] Friedrich 2000: 12. The full context makes the point clearer: "This oral-cognitive reading of Homer is reminiscent of the way in which students who are unaccustomed to an inflected language initially translate Greek; one might be tempted to argue that, by making Homer sound like an inarticulate hick, one primitives him unnecessarily...."

came Nonato, Manaus-from, his-wife with" (*nomokno Nonato, Manawsɨ hoye, thetx yakoro*)?[57] Or when he is told that the *schema Alcmanicum*, seen in the famous Homeric line ἧχι ῥοὰς Σιμόεις συμβάλλετον ἠδὲ Σκάμανδρος (*Iliad* 5.774), a construction in which the conjunct subject straddles a dual or plural verb: "where streams Simoeis they-two-merge and Scamander," is the preferred form for subject coordination in the Afro-Asiatic language of Nigeria, Tera:

Ali wà d̂ə Kanu ku ndə Dala

Ali they-have-gone to Kano PLURAL and Dala
"Ali and Dala went to Kano"?[58]

Or when he is assured that the indigenous Australian language Warlpiri, in which one can say "A dog bit me big" and *mean* "A big dog bit me" or "A dog bit me and it was big," can help us to better understand the syntax of Homeric phrases like ἀμφὶ δὲ ποσσὶ πέδας ἔβαλε χρυσείας (*Iliad* 13.36), "around (their) feet fetters he cast gold," or αὐτὰρ ὁ βοῦν ἱέρευσεν ἄναξ ἀνδρῶν Ἀγαμέμνων / πίονα (*Iliad* 2.402–403), "but he ox he-sacrificed-it lord of-men Agamemnon / fat"?[59] English would say "But Agamemnon, lord of men, sacrificed a fat ox," but Greek does not, nor does Warlpiri.

A.M. Devine and L.D. Stephens are very clear on the importance of our view of the syntactic typology of early Greek for a proper understanding of the Homeric poems; we are not dealing simply with "speech" features or register variation:

> many of the differences in syntax between Homer and classical Greek are not, from the point of view of their origin, purely matters of literary genre and style. Rather, they reflect the fact that in Homer there survives a strong residue of a stage in the history of Greek when the syntax of the language was typologically quite different.[60]

And they are very explicit in rejecting a facile view of any syntactic typology conditioned by its socio-cultural affiliations: "it would be factually (as well as politically) incorrect to think that nonconfigura-

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[57] Devine and Stephens 2000: 148.

[58] Devine and Stephens 2000: 159: "more than any other single piece of evidence, the schema Alcmanicum requires us to take seriously the idea that in its prehistory Greek was not only a nonconfigurational language but one that made at least some use of pronominal arguments." Cf. Fraser 1910 and Liberman 1990.

[59] Devine and Stephens 2000: 152, 174–175, 181, 194–197; cf. Teffeteller 2001: 272–273.

[60] Devine and Stephens 2000: 207.

tional languages are simply impoverished"; in fact in some respects one could argue that it is the configurational languages that "are impoverished relative to the nonconfigurational ones, and not vice versa."[61] And yet, as Devine and Stephens recognize, the intriguing fact remains that "modern western literate and scientific culture just happened to develop…in the same place and at very approximately the same time as configurational syntax, which is a more striking coincidence and makes it a bit more difficult simply to dismiss the cultural relativity theory as another piece of Classical eurocentric romanticism."[62]

These are large and important questions and if they are to be investigated thoroughly and appropriately, we must put aside, insofar as we can, the politics of orality scholarship.

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[61] Devine and Stephens 2000: 272.
[62] Devine and Stephens 2000: 208.

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PART II

POLITICAL MANIPULATION OF TEXTS

WRITTEN LISTS OF MILITARY PERSONNEL IN CLASSICAL ATHENS [1]

Geoffrey W. Bakewell

The appearance of written lists[2] frequently accompanies a culture's attainment of a certain basic level of literacy.[3] This is partly because such lists provide a substantial payoff. They require relatively little grammatical or literary sophistication to create; they are, depending on the inscriptional medium, easily corrected and maintained; and they are accessible to a broad range of readers, including those with minimal literacy skills. Yet at the same time such lists comprise a valuable tool for classifying, quantifying, and ordering the world.[4] It is thus not surprising that they also formed a significant part of the writing generated by classical Athens. This city's penchant for keeping lists, especially of names, accelerated dramatically after approximately 460 BCE, and ultimately encompassed a wide variety of groups and sub-groups.[5] Yet Athens' creation, maintenance, and use of name-lists was more than just a specific instance of a general pattern. As recent scholarship has shown, the force of particular circumstances had a pronounced impact on the development of literacy throughout ancient Greece.[6] Athens' use of written lists in connection with its military personnel therefore needs to be situated with regard to two of its most salient features: democracy and empire. For while other *poleis* made

[1] I am grateful for the helpful comments I received from those attending the conference in Winnipeg, especially Greg Anderson, whose critical attentions improved the finished piece. I also thank my Creighton colleague Greg Bucher, who read several drafts along the way. Finally, I thank Craig Cooper for his unceasing work in organizing the conference and subsequent volume.

[2] Lists committed to writing differ substantially from those performed orally: on the latter see Minchin 1999.

[3] Thomas 1989: 66.

[4] Goody 1977: 80–90.

[5] On the expansion of writing after roughly 460 see Davies 1993: 51ff. Other examples of name-lists kept at Athens include state debtors, disfranchised citizens, archons, members of the *boulê*, victors in dramatic contests, classes of ephebes, enfranchised Plataeans, and the heroes of Phyle.

[6] Yunis 2003: 1–14.

some use of military lists, none did so as effectively or thoroughly as the Athenians.[7]

The course of Athenian history during the Pentecontaetia provided a particular impetus for the development of military records. At first these lists resulted from the decentralized, non-uniform practices of private individuals serving as generals.[8] In turning to written lists, these officers were responding to several trends: basic changes in the nature of warfare; their increased tactical independence; the growing political importance of their office; and the *dêmos*' consequent desire to limit their power and hold them accountable. However, the private practices of individual generals were soon adapted by the city for its own purposes.[9] Lists of military personnel appeared and developed roughly in tandem with a number of significant polis practices which they no doubt facilitated, if not prompted: pay for military service, the *patrios nomos*, and support for the orphans of the war dead. What began as an ad hoc means of planning and self-protection on the part of the generals ultimately became a collective sort of intellectual capital which the polis used to support its democratic and imperial inclinations.

The period between the Persian and Peloponnesian Wars saw the rise of written lists to delineate subsets of male citizens for military purposes. Four groups in particular had to be identified year in and year out: those eligible for military service; those called up for particular campaigns; those serving; and those who died under arms. The deme registers, or *lexiarkhika grammateia*, were crucial starting points.[10] Maintained by demarchs and handed down from year to year, they served as physical representations of civic identity, and collectively defined the

[7] For instance, the Spartans listed *nominatim* the men who perished at Thermopylae (Herod. 7.224; Paus. 3.14.1). But the Athenians made greater use of writing in this regard and developed its capabilities more extensively. See Cartledge 1978: 25–37.

[8] It is likely that other officers such as taxiarchs, hipparchs, and trierarchs cooperated with the generals in the development and maintenance of these lists.

[9] Yunis (2003: 14) notes that once written texts existed, they were often put to new and originally unintended uses.

[10] The first indisputable mention of these documents occurs at line 6 of *IG* i^3 138, which dates to before 434. Their origin is likely much earlier. Whitehead (1986: 35 n. 130) suggests a link with the Cleisthenic reforms of 508/7. Lines 29–30 of the Themistocles Decree (*ML* 23) also mention the *lexiarkhika grammateia*; if the decree actually dates to 480, then the registers will have existed before then. The attention to ancestry and descent manifest in Pericles' citizenship law argues strongly for a *terminus ante quem* of 451/0. See Patterson 1981: 13–28.

largest available pool of citizen manpower.[11] From these registers other lists, at once more focused and more ephemeral, were developed and inscribed on *sanides* (wooden tablets).[12]

Athens' need to identify military groupings of men grew from its reliance on conscription during the classical period. Earlier, during archaic times, its campaigns tended to be short affairs fought by hoplites and cavalry close to home. The requisite military forces could be gathered in a variety of ways: from volunteers; from clan or phratry groups; by employing foreigners; or by occasional city-wide muster.[13] Only in the wake of the Cleisthenic reforms and engagement with the Great King did the need for levies arise.[14] The Athenians soon found themselves fighting farther afield, and engaged in a new sort of warfare whose constitutive elements, the trireme fleet and the siege, required large numbers of troops for long periods of time. The expansion of the navy, the war against Persia, the creation of the Delian League, and the subsequent development of empire created a need for hoplites, rowers, and marines that was urgent and persistent.[15]

Apart from the *lexiarkhika grammateia*, no comprehensive personnel lists were created or maintained by deme or polis during the fifth century;[16] the pressure to identify appropriate sub-groups of citizens fell rather on individuals who responded on an ad hoc basis.[17] While the *ekklêsia* (assembly) decided overall military strategy, defined campaigns, and frequently provided detailed instructions, it usually left the details of selecting and mustering troops to the generals assigned to various

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[11] Metics could also be conscripted, and were required to have a *proxenos* (citizen sponsor) and register with the polemarch. See Whitehead 1977: 82–86.

[12] On *sanides* in general see Fischer 2003: 245–248.

[13] On pre-Cleisthenic mobilization see Frost 1984. Volunteers could be attracted by potential spoils or farmland (e.g. Plut. *Solon* 8.3, 9.2; Herod. 6.36). Opposition to Cylon's attempted coup was led by the Alcmeonids. The Peisistratids depended on non-Athenian mercenaries. See further Anderson 2003: 149–150.

[14] Lines 23–40 of the Themistocles Decree (*ML* 23) explicitly mention conscription, and [Arist.] *Ath. Pol.* 26.1 suggests that men were being drafted prior to the Ephialtic reforms of 462. See Christ 2001: 399.

[15] Hoplites and *epibatai* (marines) were regularly drafted; conscription of trireme rowers occurred on occasion (e.g. Thuc. 3.16.1). See Gabrielsen 1994: 107.

[16] Rhodes (1993: 497) claims that "there was a central register of citizens qualified by age and property for military service." This statement properly applies to the period following the introduction of conscription by age cohort in the early fourth century. See Christ 2001: 416.

[17] On the mythical nature of a central hoplite registry see Hansen 1985: 83–88. On the generals' role in selection see Hamel 1998: 24.

theaters.[18] For anything less than a city-wide call-up, these men had to create as effective a force as possible while distributing the hardships and risks of service broadly and equitably.[19] In practice this meant enlisting those willing to volunteer, and drafting others. Prior to the introduction of conscription by age cohort,[20] the generals began the process by obtaining the deme registers from the demarchs.[21] However, these documents did not suffice in and of themselves: they were simply not informative enough. Despite claims to the contrary, there is no evidence that they contained any of the data about wealth and social class vital to determining if a man had the means to serve in the cavalry, the phalanx, or as a marine.[22] It is also unlikely that the registers contained patronymics, places of residence, or other information needed to identify individuals with the desired specificity.[23] Finally, they did not indicate age or physical condition, although men younger than eighteen, older than fifty-nine, or physically unfit were as a rule exempt from service. The information on these documents was not just inadequate for military purposes; it was also cumbersome to update and maintain.[24] Generals mounting campaigns thus had either to heavily annotate the existing registers, or else to produce new lists tailored to their own purposes. Once they had identified those eligible to serve, generals also needed to make public the names of those they were drafting. They did so via *katalogoi*, tribally organized lists posted at the monument of

[18] E.g. *IG* i³ 60 lines 9–20. See Hamel 1998: 115 n. 1.

[19] For an example of a *pandêmei* (city-wide) hoplite expedition see e.g. Thuc. 2.31.1. Hamel (1998: 62) notes the tendency of Athenian democracy to make its generals particularly beholden to the men who served under them.

[20] This system is described in detail at [Arist.] *Ath. Pol.* 53.4 and 53.7. Christ (2001: 416) dates the advent of this means of conscription to the period 386–366.

[21] Christ 2001: 401 n. 16.

[22] Cf. Sickinger 1999: 55. The prevalence of *aphanês ousia* (invisible property) at Athens and the existence of the *antidosis* procedure point to the difficulties of pinning down precisely a man's wealth and social class. See Gabrielsen 1986: 99. Christ (2001: 405) argues that prior hoplite service by one's father was de facto evidence of one's own wealth and membership in the hoplite class.

[23] Some surviving casualty lists contain multiple examples of identical names repeated without further detail among the dead of a single tribe within a given year. For example *IG* i³ 1147 lists the following doublets and triplets among the Erechtheid dead: Charisander 25, 50; Euthydemus 31, 77; Mnesigenes 58, 83; Philinus 79, 95, 101; Lysias 93, 99; Anaxilas 112, 142; Glaucon 136, 160. Similarly, *IG* i³ 1162 lists among the Cecropid dead two Aristarchuses (26, 29). And *IG* i³ 1184 lists twin Pantacles (36, 41) among the fallen of the Antiochis tribe. On the potentially broad consequences of mistaken or stolen identity see Dem. 39 *passim*.

[24] On the mutability and corruptibility of *lexiarkhika grammateia* see Cohen 2003.

the eponymous heroes in the agora.[25] Thereafter they also kept track of those men actually reporting for duty.[26] Finally, as their campaigns progressed, the generals recorded the names of those who died under arms. This last category of records ultimately formed the basis of the stone monuments erected by the polis.

Inscribed pieces of at least thirty distinct casualty lists survive,[27] with the earliest securely dated specimen coming from approximately 464.[28] One striking feature of these lists is their heterogeneity.[29] At one level this is apparent in their physical format. While some monuments were composed of a single stele, others were made up of several, either free-standing or conjoined.[30] Some monuments contained epigrams in a variety of locations; others apparently bore none. The number, grouping, and placement of the names of the dead also differed from stele to stele. With regard to inscriptional content, variety is again the rule. Some lists employed geographical rubrics, while others did not. Some provided additional information about some of the dead; others made no distinction among the fallen. Indeed, the variation among the surviving casualty lists is so pronounced that even basic questions remain unanswered. For instance, it is not clear whether these monuments regularly included the names of all those who died fighting for Athens: thetes, peltasts, metics, and allies may all have been omitted at one time or another.[31] Nor is it certain whether each list recorded the dead of

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[25] Ar. *Peace* 1179–1184. The existing monument dates from ca. 350, and was preceded by an earlier one constructed shortly after 430 near the southwest corner of the agora. See Shear 1970: 219–222.

[26] On the phenomenon of draft evasion at Athens see Christ 2004.

[27] Bradeen 1969: 145.

[28] *IG* i^3 1144, whose date relies on the assumption that the dead include the fallen from Drabescus. *IG* xii Suppl. No. 337 is likely older, and may be part of a casualty list relating to an Athenian expedition. It features the term Hippothontis among the names, and is dated by letter forms to approximately the mid-480s; it may therefore be connected with the campaign against Lemnos described in Herodotus (6.137–140). However, the fragment is not of Athenian provenience. See further Clairmont 1983: 89–90 no. 3. Moreover, according to Pausanias (1.32.3), the Athenians listed tribally the names of the Marathon dead on stelai next to the *soros*. The date at which this list was erected is not clear.

[29] Loraux 1986: 32.

[30] According to Clairmont 1983: 41–42, *IG* i^3 1144 may have consisted of ten separate, free-standing stelai, one per tribe.

[31] Loraux (1986: 35) notes that "for both *astoi* and foreigners, the rules of inscription probably varied in the course of Athenian history: the fifth-century lists show the democratic polis swinging between exclusiveness and openness, between a broad and a narrow conception of the status of the Athenian." See further Bradeen 1969: 150–151.

a single year only, or whether some monuments combined the casualties from multiple years.[32] The best explanation for the variation among casualty lists is that no centralized, regular template ever existed.[33] On the contrary, the differing characteristics of the monuments reflect the heterogeneous nature of the initial records on which they were based. One of the few features common to almost all casualty lists, the grouping of the dead by tribe, points to individual generals as the most likely source of the inscribed information.[34] And the frequent inclusion of geographical data makes this assumption quite likely, given the assignment of individual generals to particular theaters.[35] Some monuments, such as the famous Erechtheid casualty list (*IG* i³ 1147), recorded this information under a general heading (lines 2–3): "The following men of the Erechtheis tribe died in the war in Cyprus; in Egypt; in Phoenicia; in Halieis; on Aegina; at Megara; in the same year." But other monuments were more precise, grouping the dead first by specific theater of service and then subdividing them by tribe.[36] Another sort of information sometimes recorded on the monuments suggests the same conclusion. While the vast majority of the dead are simply listed by name, some receive additional designations regarding their rank or branch of service;[37] the individual commanders were those in the best position to know and provide such information. It thus seems likely that Athenian casualty lists were derived from heterogeneous sets of generals' records, while stonecutters collated, organized, and ultimately preserved them.

The only fully extant casualty list, *IG* i³ 1162, is suggestive as to the process involved. Dated to approximately 447, this monument was originally conceived as a single stele inscribed with two columns of names, each proceeding in the canonical tribal order. The left column was to record those who fell in the Chersonese, the right the dead from Byzantium. Note the parallelism of the headings: ἐγ Χερρονέσοι / Ἀθεναίον hοίδε / ἀπέθανον (lines 1–3), ἐμ Βυζαντίοι / Ἀθεναίον hοίδε / ἀπέθανον

[32] Bradeen (1969: 151) argues for one year per monument. For a different view see Clairmont 1983: 20.

[33] Thomas (1994: 35) notes that "the classical Greek world had nothing resembling bureaucracy: records, if kept at all, tended to be slight, disorganised and in any case largely uncentralised."

[34] Mitchell (2000: 344) argues that the tribal nature of the *stratêgeia* was maintained to the mid-fourth century. She attributes (352) the known instances of multiple generals elected from the same tribe in any one year to a dearth of candidates in other tribes.

[35] Bradeen 1969: 148.

[36] E.g. *IG* i³ 1162.

[37] Bradeen 1969: 147.

(lines 49–51). ("In the Chersonese, of the Athenians the following men fell; in Byzantium of the Athenians the following men fell.") Underneath each heading was to follow a column of names and then a blank space. An epigram at the bottom was meant to link the two groups geographically and span them horizontally: hοίδε παϱ' hελλέσποντον ἀπόλεσαν ἀγλαὸν hέβεν / βαϱνάμενοι … (lines 45–46). ("These men lost their shining youth fighting beside the Hellespont.") But the dead recorded farther down at lines 41–44 and 74–97 break the pattern. Their names are inscribed by a second hand in smaller letters and spill horizontally across both columns. Moreover, they receive a separate heading: hοίδε: ἐν τοῖς ἄλλοις πολέμοις ἀπέϑανον (lines 41–42). ("These men died in the other wars.") This rubric lacks any precise geographical information, and differs significantly in word order from the first two. These facts suggest the following scenario. The generals assigned to the Chersonese and Byzantium provided information about their dead at roughly the same time, and a monument giving equal glory to both groups was planned. However, after the layout had been decided and inscription begun, additional information from commanders in other theaters arrived, and was accommodated in a third, catch-all section unlike the first two.[38]

The heterogeneity of casualty lists also suggests a lack of uniformity in the records on which they depended: not all generals will have recorded the same kinds of information, or done so in the same ways. On the contrary, individual commanders likely used writing idiosyncratically to cope with duties that were becoming increasingly complicated.[39] Long and distant campaigns involving thousands of troops created logistical headaches for the generals, even as difficulties in communicating with the *boulê* (Council) and *ekklêsia* back home increased their tactical independence. Moreover, these complications were accompanied by political peril, for the importance of the *stratêgeia* was on the rise. Prior to 487, archons were elected; their subsequent selection by lot decreased both their influence and eventually that of the Areopagus,

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[38] Bradeen 1969: 146–147. The fact that the epigram was also carved by the same second hand responsible for the additional names suggests that they may have arrived from the other theaters in the middle of the process, i.e. after the epigram's composition and before its inscription.

[39] In this regard, they were akin to physicians of the same time period, who used writing as a supplemental form of assistance to deal with the increasing complexity of their own professional tasks. See Dean Jones 2003.

and left the generals as the most important elected officials in Athens.[40] Moreover, the generals' ability to hold office repeatedly, their frequent absences from Athens, and their considerable power in the field made them less susceptible to ordinary means of oversight. All these factors made the *dêmos* somewhat jealous and suspicious, and determined to hold their nominal subordinates to account.

The *ekklêsia* responded to these new realities with a number of measures designed to keep the generals in line during their term of office and afterwards. To begin with, generals could be deposed via *apokheirotoniai* (depositions) held during the ten *kyriai ekklêsiai* (principal assemblies) held each year.[41] These depositions were often followed by *eisangeliai* (denunciations), which could also occur without any preliminary. According to Hansen's calculations, at least 20 % of the Athenian generals between 432 and 355 were accused via *eisangelia* at one point or another. As he puts it, "in every board of ten generals there were probably at least two who, in the course of their military careers, would be denounced … And their first *eisangelia* was usually their last, for it usually ended with a condemnation and the death sentence."[42] In addition, mandatory accountability procedures supervised by officials called *euthynoi* and *logistai* awaited those generals who managed to complete their terms of office.[43] The risks faced by generals were not tied to policy or party. For instance, during the period 490/89 to 463/2 Miltiades, Cimon, and perhaps Themistocles all fell afoul of the *dêmos* as a result of their generalships.[44] Being elected to the *stratêgeia* thus placed

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[40] [Arist.] *Ath. Pol.* 22.5. Rhodes (1993: 274) notes that "this reform undoubtedly played a part in the change between the mid sixth century and the mid fifth by which the generals became the principal officers of the state and the archons became routine officials with duties which any loyal citizen could be trusted to perform." See further Hansen 1991: 233–234.

[41] Hamel 1998: 122–125. She cites fourteen known depositions during the period 431/0–405/4.

[42] Hansen 1991: 217.

[43] Carawan (1987: 187) sees the *logistai* as a committee of the *boulê* created in the wake of Ephialtes' reforms. Ostwald (1986: 61) views the appointment of the first *euthynoi* in similar terms. The mention of an *euthynos* in the Scambonid deme at lines 9–10 of *IG* i[3] 244.B and the description of Hades as a great *euthynos* at *Eumenides* 275 (dated to 458) provide support for this view. Piérart (1971: 572) argues that the *euthynoi* may go back as far as 485/4.

[44] On the *eisangelia*, fine, and imprisonment of Miltiades in 490/89 see Herod. 6.134–136 and Plut. *Cimon* 4.4. On the acquittal of Cimon at an *eisangelia* or *euthyna* in 463/2 see Carawan 1987: 202–205. According to one account (Diod. Sic. 11.27.3), Themistocles was deposed from his generalship in 479/8. However, Carawan (1987:

a man in a precarious position; his perils were only accentuated by the *dêmos*' tendency to pair lofty expectations with insufficient funding and resources.[45]

In such a climate, generals sought to protect themselves by keeping detailed records. First of all, this information could stand as a shorthand account of decisions they made and actions they took. More importantly, it could serve as a rallying point and convenient aide-mémoire for the generals' colleagues and subordinates whose testimony would be crucial in any subsequent proceedings in the *ekklêsia* or *dikastêria* (law courts).[46] These records, and in particular lists of names, could provide help with at least three potential trouble spots: military outcomes, financial transactions, and the treatment of the troops under one's command. First and foremost was the result of the campaign. Nothing inoculated a general against trouble like success in the field, and having accurate information about the number and kinds of troops under one's command made for better tactics, logistics, and overall strategy. Such information also offered exculpatory hedges in the event of failure. Perhaps the wrong number or kind of troops had been authorized, or insufficient monies or other resources provided. Second, accurate personnel information helped the generals substantiate their financial expenditures, such as troop pay and maintenance, and account for funds advanced them.[47] Finally, personnel lists let generals demonstrate their concern for and proper treatment of their troops. The commanders could use the information to show their even-handedness in drafting and assigning men,[48] and their meticulous accounting for those who failed to return home alive.[49]

197–200) believes that Diodorus is mistaken, and connects this event instead with Themistocles' ostracism in 471/0.

[45] On the increase of this practice with regard to the fourth-century navy see Gabrielsen 1994: 114–118.

[46] These written lists would generally not constitute proof in and of themselves; on the superior authority of testimony from witnesses see Scafuro 1994. Cohen (2003: 82–83) notes "the tension in Athens between, on the one hand, an administrative, document-oriented understanding of civic identity, and a much more powerful culture of informal knowledge."

[47] *IG* i^3 364 shows the attention the Athenians generally devoted to such matters. Davies (1994: 208) argues that the inscription is more concerned with recording the identities of the men involved in the process than with the source of the funds.

[48] For complaints to the contrary see e.g. Ar. *Birds* 1180–1182, Lys. 9.5–7.

[49] On the early importance of this practice, epitomized later by the aftermath of the battle of Arginusae, see Aesch. *Agamemnon* 433–457 (dated to 458).

Athenian generals had a strong incentive to keep good personnel records for their own use and subsequent protection. Yet over time others developed an interest in this information as well.[50] For instance, access to the lists of those drafted and those actually reporting for service would have been helpful to οἱ βουλόμενοι (volunteers) wishing to prosecute military derelictions via various charges: a γραφὴ ἀστρατείας (failure to report or absent without leave), γραφὴ λιποταξίου (desertion), or γραφὴ δειλίας (cowardice).[51] Lists of those serving would also have been of concern to another group, namely the soldiers and sailors themselves. Indeed, such lists may have prompted the introduction of pay for military service, which began prior to the Peloponnesian War, perhaps as early as the 460s.[52] They certainly would have provided a measure of support for men seeking monies owed them, a portion of which was often withheld until they returned to Athens.[53] And finally, lists of the fallen must have held great interest for the families of those who did not return. Many no doubt treasured the austere meed of aristocratic *kleos* (glory) bestowed on their loved ones by casualty list,[54] while others clung to hope for those not named, i.e. the missing or captured.[55] Some will also have consulted the lists with an eye to more tangible benefits: burial of their kin's remains at state expense, and support for any surviving children.[56] Indeed, the beginning of the *patrios nomos* likely dates to the mid-460s,[57] and *Ath. Pol.* 24.3 mentions assistance to orphans as a feature of the political landscape prior to the Ephialtic reforms.[58]

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[50] Boegehold (1972: 27) stresses the role of other interested parties in preserving the integrity of written documents. While Thomas 1994: 42 emphasizes the memorializing function of public lists, she too notes that they provided important opportunities for public verification of their contents.

[51] Carey (1989: 143) discusses the general imprecision of these charges, concluding that there was "some overlap between the names given to specific actions." Osborne (1985: 56) likewise treats all three actions together.

[52] Loomis 1998: 36–37.

[53] Gabrielsen 1994: 113.

[54] Anderson 2003: 154.

[55] Pritchett (1985: 190, 199) notes the importance of listing those missing in action.

[56] [Dem.] 59.105 suggests that the stele listing the Plataeans who were granted Athenian citizenship served a similar function.

[57] The *terminus ante quem* is provided by *IG* i³ 1144, dated to ca. 464. Clairmont (1983: 13) argues for a date in the mid-470s.

[58] Stroud (1971: 288) cites Diogenes Laertius 1.55 as evidence that the practice may in fact date back to Solon. Rhodes (1993: 308) is skeptical about the value of the *Ath. Pol.* evidence, given his view (282–286) that chapters 23–28 are based on a number of

In conclusion, generals in classical Athens maintained at least four types of lists of military personnel: those eligible for service; those called up; those serving; and those who died. They did so individually and idiosyncratically, prompted by a desire to protect themselves against an antagonistic *dêmos* bent on holding them to account. Their lists rapidly took on a more public dimension, however, eventually becoming a form of commonly held intellectual capital that supported the city's democratic and imperial practices.[59] The cumulative effect, while originally unintended, was a substantial enhancement of Athens' military capabilities. On the eve of the Peloponnesian War, Pericles linked his hopes for victory to the city's considerable resources. In addition to the funds at its disposal Athens had, he said, "an army of thirteen thousand heavy infantry, besides sixteen thousand more in the garrisons and on home duty at Athens … [these latter] were composed of the oldest and youngest levies and the resident aliens who had heavy armor … Pericles also showed that they had twelve hundred horse including mounted archers, with sixteen hundred archers unmounted, and three hundred galleys fit for service" (Thuc. 2.13). The ability of this perennial *stratêgos* to offer such precise figures, and indeed to think in these categories at all, resulted from a trend towards increased military record-keeping that had grown up at Athens over the last half century. Perhaps even more important than the Athenian resources themselves were the habits of mind which led to their tabulation. Taken together, both factors gave Athens a considerable advantage when push came to shove.

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sources of differing dates and viewpoints. The *terminus ante quem* for the practice is given by Pericles' mention of it in his funeral oration of 430 (Thuc. 2.46.1).

[59] While generals likely took their lists with them on campaigns in the field, additional versions may have been stored in the *stratêgeion* (generals' office) in the agora.

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WHY THE ATHENIANS FORGOT CLEISTHENES: LITERACY AND THE POLITICS OF REMEMBRANCE IN ANCIENT ATHENS [1]

Greg Anderson

For most of the archaic era, Athens was a city-state of relatively modest standing, plagued by military vulnerability and political instability. Elites had a monopoly hold on the state's premier offices and institutions—the nine annual archonships and the Areopagus Council—and politics took the form of a relentless, sometimes violent struggle for de facto supremacy waged by a handful of prominent families. The most successful of these families were the Peisistratids, who managed to dominate the state for some 35 years before a rival, Cleisthenes the Alcmeonid, engineered a Spartan military intervention that induced them to depart into exile in 511/0. Just three or four years later, in 508/7 BCE, Cleisthenes and his associates introduced a series of political innovations that would effectively transform the character and the fortunes of their home state.[2]

Josiah Ober has described this shift in political culture as a "revolution," and this is probably not an overstatement.[3] The production of all major items of policy and legislation was now finalized in the citizens' Assembly, allowing non-elite Athenians to play a meaningful role in the political process for the first time. No less momentous was the creation of a new system of ten tribes, mechanisms which were expressly designed to extend the reach of citizenship and state to the far corners of the surrounding region of Attica, and encourage inhabitants of the periphery to participate as never before in Athenian public life. In

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[1] This paper expands on some ideas presented in my recent book (Anderson 2003: esp. ch. 9). I thank all those who offered feedback on the conference paper, especially Geoff Bakewell, who also read through and offered helpful comments on the finished essay. The renderings of Greek into English are my own, though they do at times draw on standard published translations. Established abbreviations are used for works of reference. N.B. *ML* = R. Meiggs and D.M. Lewis, *A Selection of Greek Historical Inscriptions*[2] (Oxford, 1988).

[2] The main sources for the expulsion of the Pisistratids and the reforms of Cleisthenes are Herodotus (5.62–69) and the Aristotelian *Athênaiôn Politeia* (19.2–22.1).

[3] See especially Ober 1996: 32–52; 1998.

particular, these tribes now supplied the organizational basis for a pair of important new national ventures, a citizen army and the so-called Council of 500, in which delegates from all over Attica were charged to set the agenda for the sovereign citizen Assembly. We might add that these political changes were soon followed by a number of landmark innovations in other areas, all of which in some way reflected and reinforced the new vision of civic order. Not the least of these was the creation of a new center for political and commercial activity in the very heart of Athens, the invention or reinvention of several major national festivals, including the Great Panathenaea and City Dionysia, and the promotion of the legendary Theseus as a visionary reformer and founding father figure.[4]

The net results, if not the causes, of this comprehensive overhaul of political culture were indeed "revolutionary." The decisive step in the direction of democracy had been taken. Almost overnight, it seems, Athens was transformed from a conventional, elite-dominated city-state into a new kind of polity, a citizen-state on a scale previously unimaginable. As such, with all the resources, human and natural, of an entire region at its disposal, this extraordinary polis would go on in the next two centuries to leave a deeper stamp than any other on the political and cultural fabric of the Greek world.

As the primary author of the reforms that triggered this far-reaching metastasis, Cleisthenes surely has a strong claim to a place in classical antiquity's pantheon of great political innovators. So why was it that the full magnitude of Cleisthenes' achievement was apparently lost on the principal beneficiaries of his measures, namely the Athenians themselves? Far from honoring him ever afterwards as the *père fondateur* of their storied democratic *politeia*, or "way of life," they seem to have all but forgotten about him. Unlike numerous less influential Athenians, Cleisthenes was never honored with a public statue by the democracy he did so much to create. And the bare facts we are told about his life and work in ancient sources can be summarized in little more than a single paragraph. We have no record of any speeches he gave, know nothing of his character, personality or appearance, and cannot be sure how or even when he died. In all of the Assembly and law court speeches which survive from classical Athens, Cleisthenes is not once mentioned by name. And of the mere handful of prose sources

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[4] For detailed description and analysis of all of these developments, see now Rausch 1999; Anderson 2003.

which do refer to him, substantial details about his reforms are supplied in only two—Herodotus' *Histories* and the *Constitution of the Athenians* (*Athênaiôn Politeia*, hereafter *Ath. Pol.*), a short pamphlet written probably by a follower of Aristotle. How then can we explain this remarkable case of ancient amnesia?[5]

The immediate answer to the question is that the Athenians came to believe that their *politeia* was much older than it actually was. According to modern consensus opinion, Cleisthenes was indeed remembered as its inventor for a hundred or more years after his reforms. But sometime between the later fifth and mid-fourth centuries, a pair of more glamorous claimants to the title emerged: the legendary king Theseus, and the illustrious poet-cum-statesman Solon, who flourished more than eighty years before the democratic reforms were introduced, and was the presumed author of just about every long-standing law that was still in force in classical Athens.[6] Hence, it is generally assumed that later Athenians must have made conscious efforts to manufacture a more ancient and prestigious historical sanction for their distinctive way of life, pushing the originary moment of their *politeia* further and further back into the distant past. In the process, Cleisthenes' reforms were gradually divested of their far-reaching significance and eventually relegated to the footnotes of collective memory.

This paper will tell a different story, one that is in some ways more startling and, I hope, more persuasive. It is a story that begins in an earlier time, in the era when Athenian leaders first sought to organize

[5] Generally on the later obscurity of Cleisthenes, see Cromey 1979; Hansen 1994. References to Cleisthenes from the Roman era, none of which recall him unambiguously as the "founder" of Athenian democracy, are listed in Develin and Kilmer 1997: 3–4 nn. 3–5. As Hansen (1994: 26) points out, modest ancient interest in Cleisthenes ensured that the significance of his measures went largely unrecognized until the nineteenth century, when George Grote began the work of restoring the reformer to historical prominence.

[6] The earliest explicit references to a Thesean democracy come in the late 420s in Euripides' *Suppliants* (esp. 350ff., 403ff.; see the second section below for further discussion). Most believe that Solon was first re-imagined as a major political reformer in the late fifth century in the context of ongoing debate over the nature of the "traditional constitution" (*patrios politeia*) of Athens. See e.g., Jacoby 1949: 154; Hignett 1952: 7; Fuks 1953: 17; Lévy 1976: 192; Hansen 1990: 88–90. Others (e.g., Ruschenbusch 1958) insist that he was not seen as a significant player in Athenian constitutional history until the mid-fourth century. More generally, on the *patrios politeia* issue and on ancient views about Solon's place in Athenian constitutional history, see also Finley 1971; Walters 1976; Mossé 1978; 1979.

and promote something like an "official" version of the history of their home state. More to the point, it is a story that vividly illustrates how politically interested actors in this period were able to manipulate social memory to their own advantage by exploiting the power of the written word.

In short, the paper aims to contribute to the growing dialogue on the interplay between politics and literacy in Greek antiquity by exploring one specific aspect of this interplay—the use of writing in the construction of an "official" account of the past, an aspect that has so far received less attention than it deserves.[7] At the same time, it is also offered as a contribution to what can be called "memory studies," another area of emerging interest among classicists.[8] While the role played by oral tradition in the formation of social memory in Greek city-states has already been the subject of a number of investigations,[9] the role played by literacy in this same process still awaits systematic examination. Hopefully, the current paper will encourage others to pursue similar lines of enquiry.

There are two main arguments. First, I suggest that this case of Athenian amnesia was a good deal more serious than is generally recognized; Cleisthenes was in fact never at any point remembered as the founder of democracy by his fellow citizens. Second, I propose that the agency most responsible for this remarkable mass memory lapse was in fact none other than Cleisthenes himself. This second argument is advanced in the fourth and final section of the paper. The first is based on a range of evidence for the classical Athenians' beliefs about the history of their *politeia*. This evidence falls into three more or less distinct categories, each of which is discussed in turn in the paper's first three sections:

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[7] Rosalind Thomas (1994) offers perhaps the most systematic discussion to date of the various ways that Greek polis regimes sought to harness the power of writing. She persuasively suggests that states used publications of their own enactments (decrees, laws, accounts, honors and the like) as "memorials" which served to "confirm, publicize and protect the values of the community" (40). However, the possibility that states might also have used writing to promote an "official" version of the community's past is left unexplored.

[8] Representative examples of work that falls into this general category include: Antonaccio 1995; Higbie 1997; Gehrke 2001; Flower 2002; Wolpert 2002. For an excellent introduction to the study of ancient social memory, along with discussion of several case-studies, see Alcock 2002.

[9] E.g., Raaflaub 1988; Thomas 1989; 1992.

1. Various forms of state-sanctioned commemoration which can be said to promote something close to an "official" version of Athenian history.
2. A range of other sources, notably plays and forensic orations, which attest generally to popular, consensus beliefs about events in the past.
3. Texts which convey the personal views of more informed observers.

Official memory

It is only fair to point out at the start that the Athenian state did not entirely forget Cleisthenes. At some unknown point, it saw fit to award him a grave memorial in the state cemetery in the Ceramicus district, albeit an honor that he shared with a great number of other political and military leaders. Our earliest reference to the monument comes from the second century CE, in the travelogue of Pausanias (1.29.5). He passes over the tomb in about half a sentence, noting merely that Cleisthenes was the man who created the system of ten tribes. Evidently, the inscription on the grave said no more than that, and Pausanias was probably none the wiser.[10]

Solon, on the other hand, was more conspicuously honored by the state. As we learn from Pausanias (1.16.1), a bronze portrait statue of the sage stood in a prominent place in the Agora, the very hub of public life. The statue is also mentioned in a speech of Demosthenes (26.23), allowing us to date the monument to some time before the 320s. Doubtless, as the notices in these two sources seem to imply, the monument commemorated Solon for his proverbial laws. But in all likelihood, it did not celebrate him as the originator of Athenian democracy, not least because another public commemoration, located just yards away in the Agora, explicitly assigned that singular role to someone else. This was the well-known Theseus mural painted by the great Euphranor in the stoa of Zeus the Liberator at some point during the middle decades of the fourth century. And according to Pausanias

[10] Pausanias was certainly aware of Herodotus' (5.66–69) account of Cleisthenes' tribal reform. At 1.5.1, he recommends that his readers refer to the historian if they wish to know the name of the man who "established ten tribes instead of four and substituted new names for the old ones." So it is quite possible that the grave's inscription was silent about the nature of Cleisthenes' accomplishments.

(1.3.3), it showed the hero flanked by personified images of Demos and Demokratia. The implication of the mural was clear enough. As Pausanias notes with a rather uncharacteristic sneer, the Athenians really did believe that their democracy had been established by the legendary king Theseus back in the distant past. Such, it appears, was the official line, at least by the mid-fourth century.

But evidence that this official line was promoted somewhat earlier comes from another kind of public commemoration, the ceremonial orations which accompanied the annual funeral for the Athenian war dead. As Nicole Loraux has observed, these speeches, with their rather formulaic retelling of the more glorious Athenian exploits of times past, effectively served as a kind of oral state archive in the absence of any official written records of Athenian history.[11] Among the large handful of extant texts that belong (or purport to belong) to this genre, three refer to the creation of Athenian democracy. And it is presumably no coincidence that all three project this development back to the legendary past. The earliest of them is conventionally dated to the 390s.[12] This is the oration attributed to the orator Lysias, who, in an arresting passage, presents democracy as the natural, congenital estate of a people who shared an extraordinary common ancestry (2.17–18):

> Now in many ways it was natural for our ancestors, resolved upon a single course, to fight for justice. For the beginning of their life was also just. Unlike the majority of others, they were not made up of people from all quarters. Nor did they settle an alien land after expelling its inhabitants. Rather, they were sprung from their own soil, and for that reason possessed the same land as both mother and fatherland. And they were the first and only people at that time to overthrow their ruling elite and establish a democracy (*ekbalontes tas para sphisin autois dunasteias dêmokratian katestêsanto*), since they believed that freedom for all was the greatest source of solidarity (*tên pantôn eleutherian homonoian einai megistên*)...

Theseus is not actually named here as the founder of democracy, as he is in a later funeral speech (Dem. 60.28). But since these orations rarely tell the Athenians things they did not already know about their past, we can assume that by this point, he did not have to be; by the early fourth century, it was simply axiomatic that Theseus had established Athenian democracy.

[11] Loraux 1986: 3–4.
[12] Dem. 60.28; Lys. 2.17–19; Plato, *Menexenus* 238B–239A.

What then of Solon's role in the official scheme of constitutional history? A clue may be provided by another kind of state commemoration: the decree of Teisamenus. This was the document which stipulated the conditions under which democracy was to be restored in Athens in 403, after the overthrow of the brief but bloody regime of the so-called Thirty Tyrants. The opening clauses read as follows (Andocides 1.83):

> Ἔδοξε τῷ δήμῳ, Τεισαμενὸς εἶπε· πολιτεύεσθαι Ἀθηναίους κατὰ τὰ πάτρια, νόμοις δὲ χρῆσθαι τοῖς Σόλωνος, καὶ μέτροις καὶ σταθμοῖς, χρῆσθαι δὲ καὶ τοῖς Δράκοντος θεσμοῖς, οἷσπερ ἐχρώμεθα ἐν τῷ πρόσθεν χρόνῳ.

> The people resolved on the motion of Teisamenus that the Athenians be governed according to traditional practice, and that they use the laws of Solon, along with his measures and weights, and the statutes of Draco, just as we did in times past.

Against the opinion of Moses Finley, I would agree with Alexander Fuks and Mogens Hansen that the decree draws an important distinction between what we would consider constitutional matters and the various laws and statutes which governed behavior in other areas of social life.[13] Evidently, there was no readily accessible written record of the former. Nor perhaps was there any need for one; the Athenians in 403 would simply resume their time-honored democratic habits and govern themselves as they had always done. For other matters, they had written guidelines to follow. And the great majority of these they apparently held to be the work of Solon, since surviving statutes credited to the more shadowy Draco probably pertained only to issues of homicide.[14]

Unfortunately, this passage in the Teisamenus decree is our earliest explicit evidence for any publicly endorsed account of the formative period of Athenian constitutional history. But I would maintain that the items discussed above together offer a reasonably coherent picture of the contents of this official account in the late fifth and fourth

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[13] Finley 1971: 7–9; Fuks 1953: 38–39; Hansen 1990: 86.

[14] Moderns generally reject the idea that Draco was the author of any comprehensive "constitution," routinely dismissing the account of such a *politeia* in the *Ath. Pol.* (4.2–5) as an implausible interpolation. Nevertheless, the ancients clearly did believe that Draco's *thesmoi* originally covered a wide range of matters, while also apparently believing that all but those which pertained to homicide were later superseded by *nomoi* of Solon (cf. *Ath. Pol.* 7.1). At any rate, the homicide law (*IG* i^3 104, from 409/8 BCE) seems to have been the only item of Draconian legislation that was still in force in Athens in the late fifth century. For judicious discussion of all of these issues, see Rhodes 1981: 109–112.

centuries. Apparently, it held Solon responsible for codifying behavioral norms within the citizen community, while claiming that Theseus had essentially created this citizen community in the first place. Evidently, this same authoritative narrative left little room for any far-reaching intervention by Cleisthenes. Reading between the lines of the state commemorations, we can infer that he was officially credited at most with two relatively modest accomplishments: the restoration of the ancestral democracy after the fall of the Peisistratid tyranny, and the introduction of a new system of ten tribes.[15]

Public discourse

There are many signs that the Athenians generally embraced the state's vision of their history. Take extant law court speeches, for example, all of which were composed in the later fifth or fourth century. Cleisthenes is not once mentioned by name in a single oration, but there is an oblique reference to him in Demosthenes' mid-fourth-century speech *Against Meidias*. It comes in a passage where the speaker tries to counter any attempt by Meidias to evade a charge of *hubris* by an appeal to his record of public service, noting how the Athenians in times gone by did not think twice about punishing Alcibiades for the same offence, despite the many well-known illustrious deeds that he and his family had performed for the state's benefit in the past. Here, in a parenthetic statement, Demosthenes (21.144) lists what he presumably saw as the most significant public services rendered by Alcibiades' Alcmeonid forebears:

> -τούτους δέ φασιν ὑπὸ τῶν τυράννων ὑπὲρ τοῦ δήμου στασιάζοντας ἐκπεσεῖν, καὶ δανεισαμένους χρήματ' ἐκ Δελφῶν ἐλευθερῶσαι τὴν πόλιν καὶ τοὺς Πεισιστράτου παῖδας ἐκβαλεῖν-

[15] This inference seems to be borne out by a passage in the *Ath. Pol.* (29.3). Apparently, in Cleitophon's rider to the decree of Pythodorus, which initiated the establishment of a short-lived oligarchy in Athens in 411, it was recommended that those responsible for overseeing the constitutional change should be guided by the "traditional laws" (*patrious nomous*) that were drafted by Cleisthenes when he "reestablished the democracy" (*kathistê tên dêmokratian*). According to our source, the rationale here was that Cleisthenes' democratic constitution was "not radical" (*ou dêmotikên*) but "similar to that of Solon" (*paraplêsian…têi Solônos*). Partisan as it may have been, this judgment of Cleisthenes' contribution to Athenian political development seems to have been entirely consistent with the official line in the late fifth century.

> And they say that [the Alcmeonids] were exiled by the tyrants because they opposed the regime by supporting the interests of the demos, and that they freed the city after borrowing money from Delphi and expelled the sons of Peisistratus.

Needless to say, if the Athenians had still generally believed at this point that Cleisthenes was the original architect of their democratic *politeia*, it is quite astounding that Demosthenes would have failed to include this rather important detail in his summary of outstanding Alcmeonid public services. Instead, he emphasizes the family's selfless resistance to the Peisistratids and their role in ending the tyranny, presumably because he, like his audience, concurred with the official line that democracy was merely restored, not established *ex nihilo*, after the tyrants were overthrown.

Solon, unlike Cleisthenes, makes regular appearances in surviving forensic oratory, where he is invariably characterized as an unimpeachable populist and the *fons et origo* of most long-standing Athenian laws and legal procedures.[16] That said, he is never once expressly described as the original author of democracy. Plainly this singular title was reserved for another. And in the only extant forensic oration where this title is explicitly conferred upon a specific individual, the Demosthenic speech against Neaera (59.74–75) from the late 340s, the recipient is indeed Theseus.

We would not expect the surviving plays and fragments of Old Comedy to add much to our picture, and generally they do not. Still, one passage does seem worth mentioning, especially since it is rarely cited in this connection. It comes in Aristophanes' *Lysistrata* of 411 BCE. Here, in her efforts to encourage the Athenians to end war with the Spartans, Lysistrata reminds them that it was these same Spartans who had helped them overthrow the Peisistratids a century earlier. She concludes (1155–1156):

> κἀλευθέρωσαν, κἀντὶ τῆς κατωνάκης
> τὸν δῆμον ὑμῶν χλαῖναν ἤμπισχον πάλιν;

[16] Solon as a populist or "democratic" leader: e.g., Dem. 18.6; 22.30–31; 57.31; Aes. 1.17–20; 3.257. Solon is credited by orators with introducing a wide range of laws and legal institutions and procedures: e.g., the dikastic oath (Dem. 18.6; 24.147–148); the sovereignty of jury courts (Dem. 24.148); the distinction between public interest and private injury suits (Dem. 22.25–30); the distinction between laws and decrees (Hyp. 5.22).

> [And do you not know that the Spartans] freed you and, divesting your demos of their slavish sheepskins, they dressed them in citizens' cloaks again?

The key word here is *palin*, "back" or "again," the assumption being that the Athenian demos simply resumed its earlier control of the state once the tyrants had been expelled.[17] Like the other sources mentioned so far, the text apparently takes it for granted that democracy had originally prevailed in Athens long before Cleisthenes introduced his reforms.

More revealing still are the texts of tragedy, since they afford us glimpses of historical assumptions from earlier in the fifth century. Theseus himself and several family members of course appear in person in a number of extant plays. In some, like Euripides' *Heracles* and Sophocles' *Oedipus at Colonus* they are represented as largely conventional, if at times unusually enlightened monarchs. In others, they exercise an altogether more unorthodox, more equivocal form of kingship. Probably the best-known and most explicit example is the *Suppliants* of Euripides, a play that is generally dated to the late 420s and often cited as the earliest source for the tradition that Theseus founded Athenian democracy. Indeed, in lines 352–353, the hero himself describes precisely how he freed the city, made the demos sovereign, and introduced equal voting rights for all.[18] Shortly afterwards, he offers a little more insight into the operations of his peculiar democratic monarchy (404–408):

> οὐ γὰρ ἄρχεται
> ἑνὸς πρὸς ἀνδρὸς ἀλλ' ἐλευθέρα πόλις.
> δῆμος δ' ἀνάσσει διαδοχαῖσιν ἐν μέρει
> ἐνιαυσίαισιν, οὐχὶ τῷ πλούτῳ διδοὺς
> τὸ πλεῖστον, ἀλλὰ χὠ πένης ἔχων ἴσον.

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[17] The *katônakê*, or "slavish sheepskin," was "a thick woolen garment with sheepskin stitched onto it at the bottom" (Pollux 7.68), and it was generally regarded by Greeks as an indicium of servile status. Cf. also on the association between this garment and subjection to tyranny, see Theopompus, *FGrH* 115 F 311.

[18] Hansen (1990: 78 n. 58) suggests that Euripides' presentation of Theseus here is "only the tragedians' usual way of using a mythological figure as the mouthpiece of a contemporary idea and no evidence that Euripides' contemporaries took Theseus to be the founder of Athenian democracy." This contention seems to me to be questionable on a number of grounds, not least because it makes the fundamental error of assuming that fifth-century Athenians maintained what is essentially a modern distinction between the categories "myth" and "history." Generally, on the Theseus figure in tragedy, see Mills 1997.

The state is not subject to any single man. Rather it is free.
The people rule, holding power in turn by yearly office.
Nor is governance dominated by the rich.
The poor man holds an equal share.

As it happens, the *Suppliants* was not actually the first play to verbalize imaginings of a primordial Athenian democracy onstage. Some years earlier, probably around 430, Euripides presented similar political arrangements in his *Children of Heracles*. The distinctly non-monarchic monarch in this case is Theseus' son Demophon. As we are repeatedly reminded in the play, his Athens is a "free" state, unlike the Argos of his antagonist Eurystheus, which is subject to a more conventional form of absolute one-man rule. And as we are also informed, this is an Athens that subscribes to the principle of legal due process (250–252), and which levies armies of willing citizens to fight its wars (335–337). And above all this is an Athens whose leader is continually accountable to his people and who frets deeply about their judgments of his behavior (410–424). As Demophon himself puts it (424), "if I act fairly, I'll be treated fairly" (*ên dikaia drô, dikaia peisomai*). In other words, this Demophon is a kind of ancient simulacrum of a Cimon or a Pericles, and his Athens looks suspiciously like the Athens of the play's fifth-century audience.

And lest we think that these preposterous anachronisms are all the playful fantasy of a maverick Euripides, we have only to direct our gaze still further back to 458 BCE, to the less than playful world of Aeschylus' *Oresteia*, to see otherwise. There, in the *Eumenides*, the last play of the trilogy, we find an Athens that is all but kingless. Though the action is set in the time of Theseus' sons and briefly mentions them (402), they themselves are nowhere to be seen. To all appearances, Athens is already a self-governing republic of citizens.[19] So the play's historical claim, that the first Athenian jury court was installed on the Areopagus all the way back in the Trojan war era (cf. 704–706), comes across not as some wildly far-fetched or anachronistic assertion, but rather as an eminently credible, almost natural supposition.

Was, then, the tradition of a primeval, heroic-age Athenian democracy originally an Aeschylean invention? Most probably not. As in the

[19] There is still some truth to an observation made by E.R. Dodds (1973: 46) in a revised version of an essay that was originally published in 1960: "The curious circumstance that in the *Eumenides*, alone among Greek tragedies, Athens lacks a king has hardly received the attention the deserves."

funeral orations and in the *Children of Heracles*, the *Eumenides* does not overtly press the idea. Quite the contrary, in fact. Much like the later texts, the play takes it for granted. But is it really conceivable that the audience at the first performance of the *Oresteia* had already forgotten that their democratic *politeia* was introduced only fifty years earlier by Cleisthenes? Apparently, they had. And a couple of other items of evidence suggest that this mass amnesia had set in a good time before 458.

Back in the 460s or perhaps even the 470s, Aeschylus had staged another play, the *Suppliants*, which unambiguously projected democratic practices back to the heroic era. In this case the titular king is Pelasgus of Argos.[20] But when the Egyptian Danaus and his daughters seek sanctuary in his kingdom, it is not the king, but the *kratousa kheir* (604), the "sovereign hand," of the Argive demos that must decide the issue with its votes (cf. 365–369, 516–523, 605–624).[21] Earlier still, around 490, we have the first in a series of Athenian red-figure kylikes which, in the words of Nigel Spivey, show "Homeric heroes playing at democratic citizens."[22] And indeed these vases do offer the improbable spectacle of titanic Greek warriors at Troy sporting long fifth-century-style chitons and brandishing voting pebbles or beans, as they adjudge the contest between Ajax and Odysseus over the arms of Achilles.[23] Of course, neither these rather startling images nor the *Suppliants* of Aeschylus depict Athenians as such. But both the play and the vases were produced in Athens. And surely the early fifth-century Athenians could not even have imagined the possibility of democracy in Pelasgian Argos or Homer's Troy if they did not already believe that their own democracy was of similar antiquity.

[20] The play is usually assigned to 463, but the date is uncertain. See Garvie 1969: 1–28.

[21] On representations of democracy in the plays of Aeschylus, see especially Podlecki 1986. In his discussion of the *Suppliants*, Podlecki suggests that Aeschylus is "consciously transferring to the mythical past a very real problem that may have been vexing contemporary Athenians: how are decisions arrived at in matters when it is crucial to have the support of a whole citizen body?" (85–86). In fact, the play seems to dramatize quite a wide range of specifically fifth-century Athenian concerns, not least in its depiction of the refugee Danaids as metics, as Geoffrey Bakewell (1997) has shown in a recent article.

[22] Spivey 1994: 40.

[23] The vases range in date from ca. 490 down perhaps to 470. Probably the earliest is a kylix attributed to the Triptolemus Painter in Malibu (J. Paul Getty Museum 90.AE.35). For a full list, see Spivey 1994: 41–47.

So, far from being invented in the late fifth or fourth century, the tradition of a primeval Athenian democracy may well have been in circulation up to a century earlier. Even while the ink, as it were, was still drying on Cleisthenes' reforms, the full significance of these measures, it seems, was being rapidly forgotten.

But did all Athenians go along with this mass suspension of disbelief? What of the more informed observers, the historians and other intellectuals, whose texts make up our third and final category of evidence? Certainly one finds a few predictable differences of nuance and emphasis in these more opinionated sources. But one does not find any serious disagreement with the overall scheme of history presented above.

Informed opinion

Take, for example, our two most detailed accounts of constitutional developments before the time of Cleisthenes. These are found in a pair of later fourth-century works, the *Politics* of Aristotle and the Aristotelian *Athênaiôn Politeia*.[24] Perhaps predictably, the two texts present very similar pictures of early Athenian political history. Both maintain that it was Solon, more than any other, who gave the *politeia* its indelible democratic character (*Politics* 1273b35ff.; *Ath. Pol.* 5–12, 41.2), though both suggest that he did this by modifying an existing system, not by creating a new one. And while Aristotle himself says nothing explicit about the origins of this pre-Solonian system, the author of the *Ath. Pol.* is apparently less reticent, admitting that it was Theseus who had first shifted the *politeia* towards democracy in much earlier times (fr. 4 = Plut. *Theseus* 25.3; cf. 41.2).[25] As for Cleisthenes, his role in the two

[24] True, the account in the *Ath. Pol.* emphasizes the discontinuities in Athenian constitutional history, identifying a succession of distinct *politeiai* punctuated by eleven *metabolai* ("changes"). But aside from three obviously non-democratic episodes (the "tyranny" of the Peisistratids and the two brief oligarchic experiments of the late fifth century), the overall impression conveyed by this account is still one of a relatively smooth, almost natural process of evolution from enlightened monarchy to populist democracy.

[25] Aristotle (*Politics* 1273b35ff.) acknowledges that Solon left two signature features of the existing constitution—the Areopagus Council and the election of magistrates—essentially untouched, while also maintaining that he enhanced the power of the demos by allowing all citizens to perform jury service.

accounts is primarily to restore Solon's arrangements after the fall of the Peisistratids, though both indicate that he gave the democracy a more radical, populist flavor in the process.[26]

Much the same general scenario emerges from scattered writings on the subject by the reactionary fourth-century rhetorician Isocrates.[27] He is a little more generous to Theseus, insisting that the king really had introduced democracy to Athens "not less than a thousand years" before his own time (12.129, 148). But he still reserves considerable esteem for Solon as the man who finally set the *politeia* on firm legal foundations, while leaving it to Cleisthenes merely to pick up the pieces of a democracy shattered by tyranny.

Then again, even the enlightened Thucydides, writing in the late fifth century, seems to have been oblivious to the novelty and far-reaching impact of Cleisthenes' reforms. In support of this inference, we might cite the passage (8.68.4) where the historian explains the difficulty of the task that confronted those leaders who sought to replace democracy with oligarchy in 411:

> χαλεπὸν γὰρ ἦν τὸν Ἀθηναίων δῆμον ἐπ' ἔτει ἑκατοστῷ μάλιστα ἐπειδὴ οἱ τύραννοι κατελύθησαν ἐλευθερίας παῦσαι, καὶ οὐ μόνον μὴ ὑπήκοον ὄντα, ἀλλὰ καὶ ὑπὲρ ἥμισυ τοῦ χρόνου τούτου αὐτὸν ἄλλων ἄρχειν εἰωθότα.
>
> For it was not easy to deprive the Athenian demos of their liberty, given that it was now fully a century since the tyrants had been overthrown, and given that, in the meantime, they were not only not subject to anyone else, but had themselves been accustomed for more than half of this period to rule over others.

Apparently, Thucydides believed that this oligarchic coup brought to an end a period of continuous democracy in Athens that had begun not in 508 with Cleisthenes' reforms, but in 511/0 when the tyranny was overthrown. And he can only have imagined that democracy automatically supplanted tyranny in this fashion if he also believed that the *politeia* was already firmly democratic at the time when the Peisistratids seized power.

Thucydides does not tell us in as many words when he thought that democracy was first introduced in Athens. Yet for all his well-advertised

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[26] Aristotle (*Politics* 1319b21) describes Cleisthenes as "wanting to amplify the democracy" (*boulomenos auxêsai tên dêmokratian*), while the author of the *Ath. Pol.* (22.1; cf. 41.2) credits him with authoring a *politeia* that was "much more radical" (*polu dêmotikôtera*) than that of Solon.

[27] See 7.16; 10.34; 12.128–148; 15.231–232, 306, 313; 16.26–27.

suspicion of popular tales about the distant past, he too is willing to concede that Theseus played a formative role in the development of the Athenian state. What is more, in his well-known account (2.15.1–2) of the hero's *synoikismos*, or political unification of Attica, the whole process has about it a faint, if unmistakable whiff of democracy. In his view, the act of union was not a simple matter of a king extending the boundaries of his kingdom. It was about men all over Attica abandoning their seasoned localism and their traditions of local autonomy and becoming active citizen-participants in the governance of Athens. As he puts it (2.15.2):

> When Theseus was king, and had established himself as a ruler of intelligence and power, as part of his reorganization of the country (*tên khôran*) he brought everyone under the sway of the single state which now prevails [in Attica] today (*es tên nun polin ousan … xunôikise pantas*), after dissolving the councils and offices of the other states and creating one single council chamber and town hall (*hen bouleutêrion apodeixas kai prutaneion*) for all. And though individuals were allowed to retain the property which they had hitherto held, he compelled them to use this one state [for their political life] (*ênankase miai polei tautêi khrêsthai*).

Quite clearly, Thucydides' Theseus, like the Theseus of tragedies and public commemorations, was a rather unconventional species of monarch.

With that, we come to the last of our authors and a passage which, at this point, begins to assume a considerable significance, since it is in fact the only source of any kind which, apparently unambiguously, recognizes Cleisthenes as the true founder of Athenian democracy. Largely on the strength of this same brief passage scholars have universally assumed that the full significance of Cleisthenes' reforms was still remembered by the Athenians for at least a century or so after the event. The author is Herodotus, writing in the 430s or 420s, and the passage in question (6.131.1) concludes a colorful account of the events which led to the marriage of Cleisthenes' parents, Megacles the Alcmeonid and Agariste of Sicyon. The text reads as follows, with the usual translation attached:

> τούτων δὲ συνοικησάντων γίνεται Κλεισθένης τε ὁ τὰς φυλὰς καὶ τὴν δημοκρατίην Ἀθηναίοισι καταστήσας, ἔχων τὸ οὔνομα ἀπὸ τοῦ μητροπάτορος τοῦ Σικυωνίου·

> From this union was born Cleisthenes, the man who established the tribes and the democracy for the Athenians, and who was named after his maternal grandfather, [Cleisthenes] the Sicyonian [tyrant].

Was Herodotus, then, so singularly perceptive? Did he alone dare to question the standard Athenian view of Athenian history?

The issue turns essentially on a single verb form–*katastêsas*, here translated as "established." But the word does possess some semantic latitude. Its parent verb *kathistêmi* can certainly mean "establish from scratch," as in the usual rendering of our passage, and it can also mean simply "set in order" and hence, in certain contexts, "restore" or "reorganize." So which sense applies here? For three reasons, I think it must mean "restore" or "reorganize."

To begin with, two of the ancient authorities mentioned above, Isocrates (15.232) and the author of the *Ath. Pol.* (29.3), both of whom believed that Cleisthenes essentially reestablished a democratic *politeia* founded by others, use precisely the same verb to describe this act of restoration. Second, the other direct object (*tas phulas*) of *katastêsas* in 6.131.1 plainly requires the verb to mean something like "reorganize." For it is quite evident from Herodotus' earlier discussion of the tribal reform (5.65–69) that he saw this as a reordering of an existing system, not as the creation of a new one.[28] Third, it is also striking that in this same account of the tribal reform, Herodotus does not explicitly connect the measure with any shift to democracy. In his mind, it seems, this shift had already taken place 3 or 4 years earlier when the Peisistratids were forced out of Athens. As he later observes in 5.78, it was actually the expulsion of the "tyrants" that gave the Athenians their *isêgoriê*, or "political equality," which in turn fuelled their sudden rise to dominance in central Greece in the years following:[29]

> δηλοῖ δὲ οὐ κατ' ἓν μοῦνον ἀλλὰ πανταχῇ ἡ ἰσηγορίη ὡς ἐστὶ χρῆμα σπουδαῖον, εἰ καὶ Ἀθηναῖοι τυραννευόμενοι μὲν οὐδαμῶν τῶν σφέας περιοικεόντων ἦσαν τὰ πολέμια ἀμείνους, ἀπαλλαχθέντες δὲ τυράννων μακρῷ πρῶτοι ἐγένοντο.

> And it is proved not by just one but by many instances that political equality is an important thing, seeing that when the Athenians were

[28] For Herodotus, apparently, the reform involved merely changing the names and the number of the tribes, hence the well-known comparison with the tribal intervention of Cleisthenes' maternal grandfather in Sicyon.

[29] Likewise, when dismissing the charge that the Alcmeonids might have committed treason back in 490 because they "bore a grudge" (*epimemphomenoi*) against the Athenian demos (6.124.1), Herodotus emphasizes the family's credentials as "tyrant-haters" and their high popular standing but conspicuously fails to note that it was the reforms of Cleisthenes that actually brought democracy to Athens.

> under the rule of the tyrants, they were no better in warfare than any of their neighbors, but once they got rid of the tyrants, they became the best by far.

Thus Herodotus, like Thucydides and Aristophanes, believed that democracy was not invented from scratch in 508/7, but more or less automatically resumed its earlier course when the tyrants were removed back in 511/0.[30] And since he makes it quite clear elsewhere (5.63.1; 6.121–124) that he considered Cleisthenes primarily responsible for the expulsion of the Peisistratids, it is to this latter accomplishment that the phrase *tên dêmokratiên katastêsas* in 6.131.1 presumably refers. The conventional reading of the passage should be modified accordingly. By way of a new translation, let me offer a paraphrase: Cleisthenes was "the one who replaced the four old tribes with ten new ones, and the one who restored democracy when he engineered the end of the tyranny."

Why the Athenians forgot Cleisthenes

Surveying all of the evidence presented in the first three sections, we reach a fairly remarkable conclusion: though generally hailed by moderns as the man who gave the world its first substantial taste of popular government, Cleisthenes was never at any point regarded by his fellow citizens as the founder of their own democracy. Some gave him credit for getting rid of the tyrants, others believed his reforms had made Athens more democratic, and many remembered that he had introduced the system of ten tribes. But all of our evidence, from the beginning of the fifth century on, points to a general conviction among Athenians, endorsed by state and intellectuals alike, that some form of democracy had prevailed in Athens almost since time immemorial. Why, then, was the magnitude of Cleisthenes' contribution to Athenian history so instantly forgotten? Why was he universally seen as only the restorer of democracy, not its inventor? The answer, I think, is that this is precisely how he himself wanted to be seen. And he and his associates

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[30] This interpretation may also be supported by Herodotus' (5.69.1) earlier characterization of the Athenian demos in 508/7 as being "previously driven out" (*proteron apôsmenon*) of political life. The natural implication of the phrase is surely that Herodotus believed that they had played a meaningful role in politics in earlier times, a role that presumably came to an end when the Peisistratids subverted the democracy.

actually went to extraordinary lengths to ensure that he would be. Let me explain.

In order to allay deep-seated suspicions of *neôterismos*, or "revolution," Cleisthenes and his cohorts could not afford to present their new order as the bold political experiment which it actually was. Instead, they had to present it as a return to an older form of *politeia*, and they accomplished this in various ways. As I have tried to show in my recent book, just about every one of their innovations in public life was quite self-consciously invested with an aura of tradition. New buildings positively groaned with retro design features; major festivals were invented or reinvented using elements that expressly evoked a timeless, imaginary past; even the ten new tribes, with their ten Eponymous Heroes, were carefully given all the appearance of hoary antiquity. And it was precisely at this time that the great Theseus himself was given a radical image makeover. No longer the simple, ersatz-Heracles monster-slayer of yore, he was now re-imagined as an enlightened king and visionary reformer, who had once masterminded the unification of Attica.[31]

But really the key to this elaborate trompe l'oeil exercise was the invention of another, quite different tradition, and an image makeover of an altogether more startling kind for two figures from the much more recent past. I refer to Harmodius and Aristogeiton, the otherwise unremarkable aristocrats who had assassinated the Peisistratid Hipparchus back in 514 and who were themselves killed in the aftermath.[32] A mere six or seven years later, in 508/7 or shortly thereafter, Cleisthenes and his allies suddenly began promoting this pair as heroes of near-Homeric proportions.[33] Prominent, probably more than life-sized images of Harmodius and Aristogeiton were commissioned from the renowned sculptor Antenor and placed in the center of the Agora, the beating heart of the new order.[34] And perhaps not long afterwards a public tomb for the

[31] See Anderson, 100–103 (Agora monuments), 114–119 (Acropolis monuments), 131–134 (the ten new tribes), 139–146 (Theseus and Synoikia festival), 151–157 (military commemorations), 165–174 (Panathenaia), 182–184 (City Dionysia).

[32] *Ath. Pol.* 18.2–6; Thuc. 6.54–59.

[33] On the promotion and later memory of Harmodius and Aristogeiton, see e.g., Fornara 1970; Brunnsåker 1971; Thomas 1989: 238–261; Taylor 1991; Castriota 1998; Raaflaub 2000; Anderson 2003: 197–211.

[34] Most would now date the Antenor group somewhere around or just before 500 BCE. Arguments for a lower date in the 480s have been persuasively countered by Castriota (1998: 213–215). The exact physical appearance of the group is unknown. The statues were stolen by Xerxes' forces (Arrian, *Anabasis* 3.16.8; Pliny, *Natural History* 34.70), replaced in 477/6 by the familiar Critios and Nesiotes group (*Marmor Parium*,

hapless couple was installed in the Ceramicus, accompanied by hero cult honors performed annually by the polemarch.[35] What, then, had these two done to merit this sudden posthumous veneration? The message is clear enough in the epigram that was probably inscribed on the base of the Agora statue group. The text can be partially reconstructed from other sources as follows:[36]

> [ἦ μέγ' Ἀθηναίοισι φόως γένεθ', ἡνικ' Ἀριστο-]
> [γείτων Ἵππαρχον κτεῖνε καὶ] Ἁρμόδιο[ς]
> [ ]
> [πα]τρίδα γῆν ἐθέτην.
>
> Truly, there arose a great light for the Athenians when Aristogeiton and Harmodius killed Hipparchus … made their fatherland …

As the "light of deliverance" metaphor in the first line indicates, Harmodius and Aristogeiton were honored because they had apparently liberated Athens from the illegitimate rule of the Peisistratids.[37] This same message was later rearticulated in the epigram that almost certainly adorned the grave in the Ceramicus:[38]

FGrH 239 A54), and later restored to the Agora at some point after Alexander's conquest of the Persian empire. They were seen there alongside the replacement group by Pausanias (1.8.5), who describes them as "old-fashioned" (*arkhaious*).

35 Grave: Pausanias, 1.29.15, 30.1–2. Cult: *Ath. Pol.* 58.1; cf. Pollux, 8.91. Performance of the cult offering may at some point have been incorporated into the Epitaphia festival for the war dead (e.g., Taylor 1991: 7–8). Other privileges were later bestowed on the descendants of Harmodius and Aristogeiton, including free public meals (*sitêsis*) and immunity from fiscal burdens (*ateleia*). See e.g., *IG* I³ 131; Andocides, 1.98; Isaeus, 5.47.

36 The basis of the text is taken from the surviving fragments of the inscription that accompanied the replacement statue group (Meritt 1936: 355 no. 1). The assumption here is that the later monument simply replicated the inscription on the earlier one, as was the case (a change of line order notwithstanding) with the second version of the Acropolis dedication for the victory over the Boeotians and Chalcidians in ca. 506 (*ML* 15A, B). The rest of the text is restored from a quotation in the *Encheiridion* (4) of the metrist Hephaestion.

37 Evidently, the epigram sought to invest Harmodius and Aristogeiton with a traditional heroic aura by drawing heavily on Homeric thought and diction, as we see not only in the "light of deliverance" metaphor (cf. *Iliad* 6.6; 8.282; 11.796; 15.741; 16.39), but also in the emotive opening with ἦ (cf. *Iliad* 21.54) and the closing phrase (e.g., *Iliad* 2.140, 158, 162, 178).

38 The text is taken from an inscription recovered from Chios. See *SEG* 17.392; Trypanis 1960: 70. For discussion of the epigram's original purpose and context, see Day 1985; Lebedev 1996; Raaflaub 2000: 261–265. A date around or shortly before 500 BCE for the introduction of the cult has many supporters. See Anderson 2003: 278 n. 16.

> στῆσαι τοῦτο ἐδόκη[σεν Ἀθηναίοισιν Ἀριστο-]
> γείτονος αἰχμητ[οῦ σῆμα καὶ Ἁρμοδίου,]
> οἳ κτάνον ἄνδρα τύρα[ννον]
> ψυχὰς παρθέμενο[ι]
>
> The Athenians resolved to set this up as a grave for the spearman Aristogeiton and Harmodius, who killed the tyrant … offering their lives …

And just in case there was any lingering doubt about the justice of the killing, it was conclusively dispelled by another commemorative monument that was set up on the Acropolis probably around the same time. This one was a simple stele. According to Thucydides (6.55) it listed the names of Peisistratid family members and denounced them collectively for their "crime" (*adikia*).[39]

Never mind that the Peisistratids' style of leadership was probably not especially unconventional for the time,[40] and never mind that it was actually a force of Spartans, with help from Cleisthenes, who had actually evicted them from power some 4 years later. The official line, now and forever afterwards, was that Harmodius and Aristogeiton were selfless, heroic warriors who had given their lives to have the old order restored by ridding Athens of "tyrants" back in 514. And there is every indication that many Athenians eagerly embraced this tale, so much so, in fact, that the "tyrannicide" tradition very quickly took on a life of its own once its creators had unleashed it upon their fellow citizens.[41]

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[39] It also seems that the colossal Olympieion, begun but never completed by the Peisistratids, was deliberately left in an unfinished state as a kind of memorial to the folly of tyranny. Cf. Wycherley 1978: 158–160.

[40] Against the grain of conventional wisdom, I argue elsewhere (2005) that early *turannoi* like the Cypselids and Peisistratids were neither usurpers nor illegitimate monarchs. A *turannis* was an amplified form of the conventional de facto leadership that was commonly exercised in archaic oligarchies, not a fully-fledged regime in its own right.

[41] Local artists were particularly enthusiastic in their response to the promotion. By the 460s, Harmodius and Aristogeiton were fixtures in the Attic vase painting repertoire. Around the same time Athenian sculptors and painters even began to depict Theseus himself mimicking or "anticipating" the pose struck by Harmodius in the Critios and Nesiotes group. See especially Taylor 1991: 36–63, 71–75. Another measure of the enthusiastic popular response to the promotion is the well-known series of *skolia* (Athenaeus, 15.695a–b = *PMG* 474–475, nos. 893–896), or drinking songs, about the Tyrannicides that seem to have surfaced in Athens sometime between the late sixth century and the era of the Persian Wars. In suggesting that the pair made the Athenians "equal before the law" (*isonomous*), and thereby earned themselves a place in the Isles of the Blessed alongside other warrior-heroes like Achilles and Diomedes, the songs precisely echo the kind of far-fetched claims expressed in the state commemorations.

How, then, did Cleisthenes and his associates hope to gain from this shameless distortion of history? By demonizing the Peisistratids as illegitimate usurpers and celebrating their demise in this fashion, they were able to suggest that their new order was no more than the revival of a traditional old order that the Peisistratids had supposedly dismantled. And since, according to this logic, the tyrants had only to be removed for the normal course of Athenian constitutional history to be resumed, it was actually Harmodius and Aristogeiton who deserved all the credit for the recent political change. Thus did the reformer seek to deflect attention from the novelty of his innovations and forestall any damaging accusations of "revolution."[42]

And in so doing, as we have seen in this paper, he and his colleagues effectively shaped the way all future generations of Athenians would come to see their collective past. Some, like Herodotus and Thucydides, would certainly question the official account of how the Peisistratids were finally overthrown. Even a century or more later, it was clearly still possible to recall that the family had remained in power for several more years after Harmodius and Aristogeiton had slain Hipparchus, and that their removal was ultimately secured by Cleisthenes or the Spartans or by some combination of the two. But from the late sixth century on, no-one, it seems, seriously disputed the larger claim that the Peisistratids were "tyrants," or illegitimate usurpers, who had subverted the time-honored democracy of the Athenians.[43]

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[42] Cleisthenes and his associates were not the first and hardly the last to legitimize a new regime in this fashion. Rulers in ancient Mesopotamia down to Neo-Babylonian times found various ways to suggest links and continuities with their distant predecessors in the region. See the brief summary in Alcock 2002: 7–9. Centuries later, Augustus of course went to great lengths to present his Principate as a restoration of an earlier order. And one can readily find modern parallels for the specific claim that a new order was no more than a resumption of an old order that had been suspended by illegitimate usurpers. One thinks, for example, of the "Norman yoke" argument made against the Stuarts in seventeenth-century England (e.g., Hill 1954) and the attempts made later in France to legitimize revolution as an act of self-deliverance from "Frankish" rule by an indigenous Gallic population (e.g., Dietler 1994: 587–593).

[43] If, as I am suggesting, it was simply axiomatic among classical Athenians that their state had been a democracy almost since time immemorial, a number of other related phenomena begin to make more sense. For a start, this conviction helps to explain the peculiar parameters of the debate over the nature of the "traditional constitution" (*patrios politeia*) in the later fifth century (see n. 6 above). Ostensibly, at least, the debate was not about whether this original *politeia* was democratic or oligarchic, but only about whether it was moderately or radically democratic. Even supporters of oligarchy, who initiated the debate, had to argue against their own best interests that this traditional regime was a limited form of democracy and not some more exclusive species of

How, finally, can we explain the successful propagation of this fanciful vision of Athenian history? There can be no question that a willing mass suspension of disbelief had something to do with it—this account was a good deal more flattering and suggestive than the reality. And it certainly helped that those who stood to lose most from the new narrative, the Peisistratids themselves, were now in perpetual exile. But in all likelihood the decisive factor here was the power of the written word. If the Agora images and the cult of the Tyrannicides secured for the deed of Harmodius and Aristogeiton an enduring place in the Athenian cultural imaginary, the texts inscribed on the statue base, the grave, and the stele expressly defined the larger historical meaning of the deed. In words invested with all the authority and permanence of stone, these inscriptions enjoined the Athenians to embrace a new way of looking at their past, and in so doing they seared this "official" version of history indelibly into collective memory. Improbable as the Tyrannicide tradition may have been, the fact that it was visually and verbally articulated on state monuments gave it a force and a resilience with which no rival, orally transmitted memory, however "true," could compete.[44] Even if these commemorations did not in the end persuade all Athenians to forget how the "tyranny" really ended, they did convince them that the Peisistratids were "tyrants," and thus offered them a perpetual reminder that their democracy was a cherished historical birthright of which they were once criminally deprived. If as a result, the Athenians all but forgot the man who really did lay the foundations of their *dêmokratia*, then that man had only himself to blame.

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government like the one they themselves favored. Second, belief in the great antiquity of Athenian democracy also helps to explain why, by the 420s (cf. Aristophanes, *Knights* 42 etc.), the personification of Demos was proverbially imagined to be an elderly man. And finally, this same conviction may also be part of the reason why the Athenians never developed a body of theoretical work that systematically explored or justified the idea of democracy. What need was there to theorize or defend a regime that had prevailed in Athens in some form more or less continuously since the beginning of time itself?

[44] Nor, most probably, were there still state documents available from times gone by that might have definitively contradicted the larger message of the commemorations and exposed as fiction the idea of a primeval democracy. Among the many extant Athenian inscriptions that date from the decades before 510, not a single instance records an item of "public" business transacted in the name of the "demos," "the Athenians," or any other such collective agency. And it is highly debatable whether any older, politically oriented documents that would still have been visible in the late sixth century, like the *axones* of Solon and perhaps a list of archons, would have contained what we would consider "constitutional" prescriptions. For a less skeptical view, see e.g., Stroud 1978.

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LYCURGUS AND THE STATE TEXT OF TRAGEDY

Ruth Scodel

This paper will explore the famous establishment by Lycurgus of state texts of the three great tragedians in an attempt to enrich our understanding of what such written texts signified. Most often, scholars have discussed the intervention of Lycurgus in connection with the textual history of our tragedies and problems of interpolation.[1] This paper is only marginally concerned with the sources of Lycurgus' texts or their effect on the transmission, however, but on the social meaning of establishing a public text.

Ps-Plutarch's *Lives of the Ten Orators* (841f.), enumerating actions of Lycurgus, says

> τὸν δέ, ὡς χαλκᾶς εἰκόνας ἀναθεῖναι τῶν ποιητῶν, Αἰσχύλου Σοφοκλέους Εὐριπίδου, καὶ τὰς τραγῳδίας αὐτῶν ἐν κοινῷ γραψαμένους φυλάττειν καὶ τὸν τῆς πόλεως γραμματέα παραναγινώσκειν τοῖς ὑποκρινουμένοις· οὐκ ἐξεῖναι γὰρ ⟨παρ'⟩ αὐτὰς ὑποκρίνεσθαι.
>
> He (enacted legislation to) dedicate bronze statues of Aeschylus, Sophocles, and Euripides, and to have their tragedies copied and preserved under public auspices (or "in the city archives") and for the city clerk to read aloud to (or "collate for") the actors: for they were not permitted to perform contrary to these (sc. copies).

How, exactly, could this system have worked? The verb παραναγινώσκειν means "read aloud for purposes of comparison" or "collate." As L. Battezzato has convincingly argued, reading documents aloud is precisely what we expect the *grammateus* to do, and the passage—though of course one must be wary of trying to read such a notice too rigorously—suggests the presence of actors rather than a pile of papyrus scrolls.[2] If he reads aloud, we must imagine that they have their own text, which they are supposed to correct in accordance with what they hear.

[1] Page 1934: 18: "The extent and gravity of such interference (sc. actors' interpolations) are incontestably proven by the law of Lycurgus."

[2] Battezatto 20003a. See also Thomas 1989: 48–49.

Recently, Casey Dué has argued that the creation of official texts should be understood as a gesture of power and control, in some ways comparable to the tyrants' private possession of written oracles.[3] This is a helpful paper, because it avoids interpreting Lycurgus in the context of the later history of the text. However, to understand the function of archival texts of old tragedies, we need to consider the functions of old tragedy for Athens in the middle and later fourth century. I shall connect Lycurgus' establishment of official texts with a variety of ways in which Athens in the second half of the fourth century used fifth-century tragedy as part of a usable past, and treat the texts as part of this process, which is rich in ironies and complexities. The discussion will examine the performance of tragedy in the late fourth century and the special place of Aeschylus, the uses of tragedy by the orators, histrionic interpolation, the tragedian Astydamas, and the program of Lycurgus. I will argue that while Lycurgus may have sought to exert "ownership" of tragedy for the state rather than actors, his broader motive does not appear to have been control of the texts, but the institutionalization of tragedy as a unique cultural possession and source of education for the Athenian state. Although Lycurgus did not invent the canon of three tragedians, he institutionalized it and thereby gave it a permanence it might not otherwise have had.

Aeschylus and Tragic Performance in the Fourth Century

Recent scholarship has made some basic facts about fourth-century revivals of fifth-century tragedies familiar enough that they do not need detailed discussion. First, new tragedies continued to be performed at Athens and to achieve popular success. Second, an "old tragedy" was performed at the Dionysia, probably each year, from 386 onward. Third, tragedy was widely performed in other parts of the Greek world. Actors could become celebrities, with patrons and opportunities for performance outside Athens.[4] Fourth, the evidence for re-performance of Aeschylus is very meager. We have one item of external evidence—Alciphron (3.12) says that an otherwise unknown actor named Licymnius was victorious with Aeschylus' *Propompoi*. This is odd, since only

[3] Dué 2000.
[4] Green 1994: 50–62; Easterling 1997: 227; Deardon 1999.

one old tragedy was performed at the Dionysia and there was no competition. Otherwise, the apparent interpolation of the end of *Seven against Thebes* points to a pre-Alexandrian, probably fourth-century production, and vase-paintings from Magna Graecia and Sicily imply productions there. In contrast, the evidence for re-performances of Sophocles is strong, and Euripides abundant.[5] We do not hear at all about re-productions of the other tragedians who continued to be significant authors outside the performance tradition, such as Ion of Chios or Agathon. They may have been re-performed, but hardly as much since no other fifth-century tragedians seem to have had the long careers and thus immense productivity of the three. One factor we should not forget in the popularity of Sophocles and Euripides in the theater was simply availability: producers had a lot of material. We can safely assume that the dominance of Euripides and to a lesser extent Sophocles in our sources reflects theatrical reality. Even Aristotle, who read as well as viewed tragedy, refers to Aeschylus five times, Sophocles twelve, and Euripides twenty.[6] Finally, texts for readers circulated at least from the later part of the fifth century, and while performance was surely the form in which most people encountered tragedies, elite lovers of poetry had access to the texts of plays.

Most of these facts require no discussion, but the position of Aeschylus does. Aeschylus was surely re-performed in the fifth century.[7] The joke at the opening of *Acharnians*, when Dicaeopolis hopes for Aeschylus and gets Theognis instead (9–11) seems too far-fetched otherwise. Aristophanes clearly expects some familiarity with Aeschylus' work on the part of his audience. Indeed, it is hard to imagine Aristophanes' own level of engagement with Aeschylus if he had never actually seen a production. There may have been a production of *Choephori* to inspire *Clouds* 536 and Euripides' *Electra*.[8] However, we cannot be sure that production at the city festivals was the main form in which Aeschylus was familiar to audiences long after his death, and it certainly was not the only one. Aristophanes' *Clouds* 1364–1365 indicates that he had entered the symposiastic repertory, for example. Homeric glosses were part of the school curriculum and Aristophanes played with them in *Banqueters*

[5] The literary evidence is collected in Pickard–Cambridge 1988: 99–101. For vase-painting, see Taplin 1993.

[6] This number comes from Green 1994: 50.

[7] This is disputed by Hutchinson 1985: xlii.

[8] Newiger 1961.

(233 *PCG*), so the allusion to difficult Aeschylean phrases at *Frogs* 929–932 may well be based in pedagogic practice, too.

What is striking and completely consistent through the Aristophanic corpus, though, is the association of Aeschylus with an older generation, older achievements, and older values. This association sets him in fixed and constant contrast with Euripides. Aristophanes represents Aeschylus as the preferred poet of older men in the last quarter of the fifth century. These admirers are not either Aeschylus' or Aristophanes' contemporaries: if we imagine Dicaeopolis in *Acharnians* as born about 475, Aeschylus would have been at the height of his career in Dicaeopolis' youth, but would been dead by the time Dicaeopolis was fully adult. Aeschylus is the poet of the generation of the Persian Wars, and at least later one of the figures in the Stoa Poikile was identified with him (Paus. 1.21.2). In *Frogs*, Aeschylus seems to have been placed in a semi-mythologized past that extends from the Persian Wars, and perhaps before them, until the dominance of Euripides. The effect is peculiar, for Aeschylus thus appears as firmly canonical, but also old-fashioned, within a generation of his death. Even though Dionysus likes both Aeschylus and Euripides, the stylized contrast between them implies that the same person is unlikely to like both and that the trendy young will not appreciate Aeschylus. Still, it seems plausible for Strepsiades to ask his son to recite some Aeschylus instead of singing Simonides.

Plato presents an interesting picture. He mentions Euripides by name eight times, Sophocles five times, Aeschylus nine. Euripides and Sophocles appear together at *Phaedrus* 268–269, where the issue is the distinction between knowing bits of an art and actually mastering it. The other references to Sophocles occur in the famous anecdote of his old age at *Republic* 329. Euripides is criticized, along with tragedy generally, for praising tyrants at *Republic* 568. In *Gorgias*, Socrates refers repeatedly to *Antiope*, and also quotes fr. 833 (parodied at *Frogs* 1477–1478), and perhaps *Telephus* at 521b. In *Theatetus* 154d Socrates adapts *Hippolytus* 612: "my tongue swore, but my mind is not under oath" (also *Symp.* 199a). Socrates in *Ion* mentions his name for the magnet (533d), while Eryximachus in *Symposium* (177a) begins his speech with the opening of the great speech of Melanippe (fr. 484 *TrGF*).

In such passages, Euripides, like Homer, is part of a character's mental furniture; he provides a ready point of reference. The parallels with Aristophanes indicate that some of these lines had become cultural catch-phrases. Aeschylus also serves this function—in *Phaedo* the path to Hades is not simple, as Aeschylus' Telephus said it was; in *Symposium*

180 Phaedrus says he was utterly wrong to make Achilles the lover of Patroclus rather than the reverse. But what is striking is that the *Republic* combines the use of Aeschylus as a source of phrases at 361b and 563c, and again with the use of Aeschylus alongside Homer in *Republic* II (380, 383) to exemplify the kind of poetry the young must not be taught. Aeschylus surely appears here a fortiori. In the *Gorgias*, Socrates aggressively rejects not just the educational value of poetic performances, but the respect widely given the Athenian statesmen Themistocles, Cimon, Miltiades, and Pericles (503cff). Plato thus sharply distinguishes himself from the standard democratic discourse, but also from what might be called the Thucydidean tradition, which was critical of the radical democracy after Pericles' death, but respectful of earlier Athenian leaders. This tradition includes such "conservative" figures as Isocrates and Aristotle.[9] It appears from Aristophanes that Aeschylus as poet stands very close to the position of Miltiades politically.[10] So the choice of Aeschylus along with Homer as chief target of the critique of poetry in the *Republic* is not accidental at all. To claim that Euripides was impious would have been easy, but conservatives admired Aeschylus. It is very probably the importance of this rejection of Aeschylus that makes Plato refer to him elsewhere in the *Republic*.

Aeschylus, then, by the end of the fifth century already had a canonical status that could be independent of theatrical practice. He did not lose his position in the fourth century, even though he was not prominent on the stage once his own generation and their children were gone.

Tragedy and the Orators

Socrates' accusers may have quoted poetry, since they accused him of misinterpreting poetry for bad purposes (Xen. *Mem.* 1.2.5–6). However, relatively few surviving Athenian speeches include quotations from poetry: all three surviving speeches of Aeschines (though these are very unevenly distributed, with an extended series in *Against Timarchus*, far briefer quotations in the others); the *False Embassy* of Demosthenes;

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[9] See Dodds 1959: 325–326, for references to the Four Statesmen in the orators.

[10] I have argued elsewhere that Aeschylus' epitaph represents this "oligarchic" Aeschylus, by commemorating his participation at Marathon without Salamis: Scodel 2003.

the *Against Leocrates* of Lycurgus himself.[11] There are brief quotations in *On the Crown*. All these speeches belong to the same period, the decade before and the one following Chaeronea, and they are all of the same type: forensic speeches of political importance. Nobody quotes poetry in a private oration. To be sure, the period and the character of the speeches are not independent, since all our speeches from the period are of this type. Still, the restriction of poetic quotation to these speeches says something about its function and register, and so about its social meaning.

In private matters, presumably, it would be pretentious to summon Hesiod to confirm that reputation is important or that we judge people by those they select as friends, while in a truly symbouleutic context moralizing of this kind would distract from the point. In epideictic contexts, speakers do not quote the poets because they are in direct competition with them; for Isocrates to quote Homer would be to admit that he needs Homer, when he is trying as hard as he can to demonstrate just the opposite. The three speeches that cite poetry extensively all include quotations from tragedy, all three in close conjunction with other, non-Attic poetry. Poetic quotations stand in clusters, not in isolation. Only in Demosthenes' sarcastic comparison of Aeschines' acting with his own liturgies at *On the Crown* 267 does tragic quotation stand alone, and here the lines serve very different purposes from those quoted elsewhere.[12] All the speeches that include extended poetic quotations are long, Demosthenes' *False Embassy* too long to have been delivered as extant.[13] It is thus possible that the quotations were not always delivered as they appear in our texts.

Aeschines was, of course, a trained actor, so scholars have speculated that he quoted poetry in part because he was skilled at performing it and expected that the jury would enjoy his recitation. Most of the passages he clearly recites himself (*Against Timarchus* 144); but he has the clerk read the extracts at 148–149.[14] Still, the fact that poetic quotations appear only in a few speeches, and their tendency to cluster together in these, suggests that particular forces are at work. It is also striking that

[11] Perlman 1964.

[12] On this quotation see Blass 1893: III.1.195 n. 195. Blass points out that D. generally avoids poetic quotation except in the *False Embassy*, that he uses it mainly parodistically, and that 267 and the epigram at 289 are not real exceptions.

[13] See MacDowell 2000: 22–23.

[14] There is no evident answer to why some quotations seem to be spoken by the orator, some by the *grammateus*.

even the former tragic actor does not quote tragedy at length or alone; he pairs Euripides with Hesiod at 128–129 and returns to him after the string of Homeric quotations at 151–152. He names the play only for the longest quotation in 152, while using λέγει που at 151. This suggests that he does not want his poetic citations to remind his audience of his earlier career.

Poetic quotation need not have served a single function. In a study of the quotations of *Against Timarchus*, A. Ford has laid particular emphasis on the performance of the self. The orator offers clever readings that, however, invite the jurors to share Aeschines' aesthetic and moral views, just as he also brings together disparate laws to create a relatively coherent view of what constitutes good citizenship.[15] He is surely right that Aeschines brings together different quotations to imply a coherent whole, but disputes about the interpretation of poetic texts are not salient either in Aeschines or in the other orators. Certainly poetic quotation served to establish the speaker as educated (and thus required care if the speaker were not to seem snobbish).[16] In *Against Timarchus*, Aeschines first cites Euripides and Hesiod to demonstrate the importance of φήμη, "rumor" (128–129). Later, he quotes from the *Iliad* in response to the defense (not repeating from 132 his claim that he is answering rumors about what the defense will say, but speaking as if it had been said). He presents the quotations as a problem of *paideia*, accusing the defense of treating the jury as uneducated, and then claims that he will cite poetry himself in order to prove that he, too, is educated (141):

> Ἐπειδὴ δὲ Ἀχιλλέως καὶ Πατρόκλου μέμνησθε καὶ Ὁμήρου καὶ ἑτέρων ποιητῶν, ὡς τῶν μὲν δικαστῶν ἀνηκόων παιδείας ὄντων, ὑμεῖς δὲ εὐσχήμονές τινες προσποιεῖσθε εἶναι καὶ ὑπερφρονοῦντες ἱστορίᾳ τὸν δῆμον, ἵν' εἰδῆτε ὅτι καὶ ἡμεῖς τι ἤδη ἠκούσαμεν καὶ ἐμάθομεν, λέξομέν τι καὶ ἡμεῖς περὶ τούτων.

> But since you have brought up Achilles and Patroclus, and Homer and other poets, as if the jurymen had no experience of hearing culture, while you claim to be elegant people and contemptuous of the people because of your "research"—so that you will know that we too have heard and learned a bit by now, we also will say something about these matters.

Aeschines refers to learning poetry by heart as "boys" at 3.135—he seems to show a certain anxiety about his own *paideia*. He then quotes

[15] Ford 1999.
[16] See Ober 1989: 170–174.

several passages from Homer in order to prove that the love of Patroclus and Achilles was the *sôphrôn* rather than the reprehensible variety. Arguing that Homer avoids mentioning explicitly that Achilles and Patroclus were lovers, he suggests that the implication is clear for the educated among the audience (142):

> τὸν μὲν ἔρωτα καὶ τὴν ἐπωνυμίαν αὐτῶν τῆς φιλίας ἀποκρύπτεται, ἡγούμενος τὰς τῆς εὐνοίας ὑπερβολὰς καταφανεῖς εἶναι τοῖς πεπαιδευμένοις τῶν ἀκροατῶν.
>
> Their desire and the correct name of their love he conceals, thinking that the excesses of their feeling are plain to the educated among the audience.

The modern scholar, remembering that Plato's Protagoras claims that being able to interpret poetry is an important part of education (338e6–339a3), may see sophistic elements in Aeschines' interpretation of Homer. Aeschines, though, explicitly evokes the older, aristocratic poetic education and an inclusive version of the traditional poetic claim to "speak to the intelligent" (Pindar *O.* 2. 85). He therefore again invites the jury to identify themselves as educated, just as he himself is. Similarly, he carefully treats "good" pederasty as democratic rather than aristocratic. Although Aeschylus' *Myrmidons* was a famous treatment of the love of Achilles and Patroclus, he does not refer to this play or quote it, either because it was too sexually explicit—since he associates the *sôphrosynê* of the lovers with the poet's verbal circumspection[17]—or because Aeschylus was too difficult or elitist.

Aeschines then turns from Homer to Euripides (151) and cites two lines he does not identify about the merits of the right kind of *erôs*, and then nine lines from Euripides' *Phoenix* about the value of judging people by their associates, before he continues by blaming Timarchus for associating with Hegesander. The quotation from Euripides does not make the same point as those from Homer, but it is nevertheless closely joined to them. The authority of the different poets seems to be mutually reinforcing; selection allows the speaker to imply that all the poets agree and that their views are transparent.

Lycurgus compares poetry and law; but he sees the poets as a supplement to the laws, with a distinctive function. In praising the custom of Homeric performance at the Panathenaea (102), he says:

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[17] Michelakis 2002: 50–53.

οἱ μὲν γὰρ νόμοι διὰ τὴν συντομίαν οὐ διδάσκουσιν, ἀλλ' ἐπιτάττουσιν ἃ δεῖ ποιεῖν, οἱ δὲ ποιηταὶ μιμούμενοι τὸν ἀνθρώπινον βίον, τὰ κάλλιστα τῶν ἔργων ἐκλεξάμενοι, μετὰ λόγου καὶ ἀποδείξεως τοὺς ἀνθρώπους συμπείθουσιν.

For the laws, being brief, do not teach, but order what people should do. The poets, in contrast, imitate human life and select the noblest of deeds, and so by word and demonstration convince people.

This explicit claim accords well with Aeschines' practice.

S. Perlman, following the orators themselves and the authority of Aristotle, sees poetic quotations as an attempt to exert moral authority in cases where legal proof was difficult or missing. That is clearly an important function for poetic quotations, but we need to be very careful about what kind of authority they provide. Aristotle's discussion of poets as witnesses uses examples where the poets provided evidence about matters of fact under dispute, such as the affiliations of Salamis in heroic terms or the past moral standing of Critias' family (*Rhet.* 1.15.13, 1375b):

λέγω δὲ παλαιοὺς μὲν τούς τε ποιητὰς καὶ ὅσων ἄλλων γνωρίμων εἰσὶ κρίσεις φανεραί, οἷον Ἀθηναῖοι Ὁμήρῳ μάρτυρι ἐχρήσαντο περὶ Σαλαμῖνος, καὶ Τενέδιοι ἔναγχος Περιάνδρῳ τῷ Κορινθίῳ πρὸς Σιγειεῖς, καὶ Κλεοφῶν κατὰ Κριτίου τοῖς Σόλωνος ἐλεγείοις ἐχρήσατο, λέγων ὅτι πάλαι ἀσελγὴς ἡ οἰκία· οὐ γὰρ ἄν ποτε ἐποίησε Σόλων εἰπεῖν μοι Κριτίᾳ πυρρότριχι πατρὸς ἀκούειν.

I mean by "old" both the poets and other famous men whose opinions are well-known. For example, the Athenians used Homer as a witness about Salamis, and recently the people of Tenedus used Periander of Corinth against the Sigeans, and Cleophon used the elegies of Solon against Critias, saying that his family had long been lewd. Otherwise Solon would never have composed "Please, tell red-haired Critias to listen to his father."

The orators use poetic inscriptions in this way. For example, Lycurgus concludes the section of poetic examples (109) with the epitaphs of the Spartans at Thermopylae and the Athenians at Marathon as testimonies of the *aretê* of the ancestors—for example, that earlier generations did not honor individual generals; but the tragic quotations are not used as evidence of past practice, but as generalized statements about moral conduct. Aristotle is thus irrelevant to these passages, which are not evidence of the kind he has in mind.

Demosthenes, indeed, accuses Aeschines (19.243) of introducing poetry because he lacks witnesses. Demosthenes does not really say, though, that Aeschines has treated Hesiod as a witness in the case. Hes-

iod, instead, is a witness to the importance of rumor generally, and Demosthenes ironically accepts this testimony:

> Ἀλλὰ μὴν καὶ ἔπη τοῖς δικασταῖς ἔλεγες, οὐδένα μάρτυρ' ἔχων ἐφ' οἷς ἔκρινες τὸν ἄνθρωπον παρασχέσθαι·
>
> φήμη δ' οὔ τις πάμπαν ἀπόλλυται, ἥντινα λαοὶ
> πολλοὶ φημίξωσι· θεός νύ τίς ἐστι καὶ αὐτή.
>
> οὐκοῦν, Αἰσχίνη, καὶ σὲ πάντες οὗτοι χρήματ' ἐκ τῆς πρεσβείας φασὶν εἰληφέναι, ὥστε καὶ κατὰ σοῦ δήπουθεν "φήμη δ' οὔ τις πάμπαν ἀπόλλυται, ἥντινα λαοὶ πολλοὶ φημίξωσιν." ὅσῳ γὰρ αὖ σὲ πλείους ἢ 'κεῖνον αἰτιῶνται, θεώρησον ὡς ἔχει.
>
> And furthermore, you recited verses to the jurors, having no witness to offer for the acts for which you were bringing the person to court:
>
> No rumor completely perishes, which many people
> report: Rumor is herself some kind of god.
>
> But Aeschines, all these men say you, in fact, took bribes on the embassy, so that "No rumor completely perishes, which many people report" is damning to you. How many more criticize you than him—just examine how things stand.[18]

This passage illustrates how certain quotations become leitmotifs in the ongoing contention between Demosthenes and Aeschines. Again, Aeschines quotes the lines on rumor at 2.144, making a distinction between rumor and sycophancy. He then quotes Hesiod again (*Erga* 240–241) at 158 to attack Demosthenes' character, and repeats this quotation at greater length at *Against Ctesiphon* 135:

> Πολλάκι δὴ ξύμπασα πόλις κακοῦ ἀνδρὸς ἀπηύρα,
> ὅς κεν ἀλιτραίνῃ καὶ ἀτάσθαλα μηχανάαται·
> τοῖσιν δ' οὐρανόθεν δῶκεν μέγα πῆμα Κρονίων,
> λιμὸν ὁμοῦ καὶ λοιμόν, ἀποφθινύθουσι δὲ λαοί·
> ἢ τῶν γε στρατὸν εὐρὺν ἀπώλεσαν ἢ ὅ γε τεῖχος,
> ἢ νέας ἐν πόντῳ ἀποτίνυται εὐρύοπα Ζεύς
>
> For often an entire city has suffered the consequences of a bad man,
> One who does wrong and contrives wicked actions.
> From them the son of Cronus gives great misery from heaven,
> Famine and plague together, and the people perish.
> Or he destroys their broad army, or their wall,
> Or broad-faced Zeus punishes their ships on the sea…

In the *False Embassy*, Demosthenes cites in succession Aeschines' own quotations of Hesiod and Euripides (19.243 and 245). He not only

[18] The text here is MacDowell 2000.

argues that if rumor is reliable, everyone says Aeschines was bribed, but also that if having bad associates proves a man is bad, Aeschines is condemned by his association with Philocrates. Then he tries to trump Aeschines with more powerful quotations (246–247):

> Those iambs are from Euripides' *Phoenix*. That play was never performed by Theodorus or Aristodemus, for whom Aeschines was third actor, but Molon competed with it and maybe someone else of the actors of the old days. But Theodorus has often acted Sophocles' *Antigone*, and so has Aristodemus, and there are lines in it well and profitably composed for your benefit [plural], which he though he has often personally said them and knows them precisely has left out. You surely know that in all tragedies it's a special privilege for the tritagonists to play the tyrants and kings. So in this play consider what sorts of things Creon/Aeschines has been written as saying by the poet, which he never recited to himself about the embassy nor said to the jurors…Speak…Rather than the city, he considered the hospitality and friendship of Philip…

He continues with a long passage of Solon (251–256 = Solon 4 West), answering Aeschines' attack on Timarchus for using unseemly gestures, in contrast to the statue of Solon on Salamis (*Against Timarchus* 25–27). It is worth noticing how text and statue can answer each other. Evidently, they are not in separate compartments in civic memory.

In this case, clearly, we see a direct competition in quotation. Similarly, the brief poetic quotations in *On the Crown* respond to Aeschines' use of quotation. Both speakers agree that the poets present truths—bad men are dangerous to the city, rumor reveals the truth, Solon is a model. The speakers disagree about who is a bad man, which are the relevant rumors, and which aspects of Solon apply. Demosthenes accuses Aeschines of "seeking out" the lines from Euripides' *Phoenix*, which he had never performed, and ignoring Sophocles' *Antigone*, a text he knew well (250). The correct quotation should come to mind spontaneously, so that its applicability seems automatic. Aeschines' failure to remember or quote Sophocles demonstrates that he is not a virtuous citizen.

The speeches that make heavy use of quotation all unite serious political concerns with passages of abuse and sordid material. Poetic quotations are entertaining and offer variety, along with a general uplift.[19] This last characteristic may be more important than we instinctively realize. Aeschines' Homeric quotations in his attacks on Timarchus stress the delicacy of Homer's treatment of pederasty. Their taste-

[19] See Hall 1994: 39–58, esp. 45–46.

ful rhetoric thus corresponds to Aeschines' own careful distance from the disgusting practices he associates with Timarchus.

Lycurgus in *Against Leocrates* 92 quotes an anonymous tragedian (296 TGrF) on how the gods cause those with whom they are angry to lose their good sense. He continues with a long speech from Euripides' *Erechtheus* (100 = 50 Austin, 360 N²)—the famous patriotic speech of Praxithea—then Homer (103 = *Iliad* 15.494–499, with a reminder of the Panathenaic performances)—Hector encouraging the Trojans—then Tyrtaeus (107 = 10 West), an exhortation to martial virtue, then epitaphs for the Spartans at Thermopylae and the Athenians at Marathon. It is significant that the general tenor of the passage implies that his earlier quotations encapsulate the education of the heroes of the past, and he is not troubled that although the heroes of Thermopylae may have been inspired by Tyrtaeus, those of Marathon were not familiar with Euripides' *Erechtheus*. Indeed, he hops from Homer's inspiration to the Athenians of the Persian War to the first Messenian War:

> So the men who inhabited the city at that time were so virtuous both in public and private that the god said in an oracle to the very courageous Lacemaemonians in former times when they were fighting the Messenians…

Poetry other than inscriptions, offering general moral and practical wisdom in civic contexts, comes from a vague past, not a particular date. The poets are guides to public duty and to common sense. None of the long quotations is actually especially pointed in its particular context.[20] Without too much effort, Demosthenes could have cited the *Erechtheus* and Lycurgus *Antigone*.

Yet Lycurgus (92) compares his quotation to an oracle:

> καὶ μοι δοκοῦσι τῶν ἀρχαίων τινες ποιητῶν ὥσπερ χρησμοὺς γράψαντες τοῖς ἐπιγιγνομένοις
>
> Some of the poets of old seem to me to have written as it were oracles for those who would come after

This is peculiar, not only because Lycurgus seems to imply that these presumably tragic lines have more than one composer, but because there is so little oracular about them. They are a commonplace of Greek moralizing. Similarly, Aeschines at 3.136 says that the passage of Hesiod he has just cited will not seem to the jury to be poetry, but

[20] Dorjahn (1927: 85–93) argues that quotations are pertinent and not merely inserted to please the jury with performance—but the standard of pertinence is generous.

an oracle about Demosthenes' policy: οἶμαι ὑμῖν δόξειν οὐ ποιήματα Ἡσιόδου εἶναι, ἀλλὰ χρησμὸν εἰς τὴν Δημοσθένους πολιτείαν. Insofar as these are oracles, they are like those in the collections of Bacis. They are available to everyone, and their basic truth is not in dispute, but their referent is unspecified. They seem oracular because, once the speaker presents them, the audience should recognize their perfect aptness. Calling them oracular is a blatant mystification of their lack of specificity, since an oracle directs its meaning towards one occasion, and the interpreter's task lies in defining that occasion as the first stage in understanding that meaning. Poetry is more like law as a body of authoritative text that is relevant for an entire category of events or people. The orator must show that the matter at hand belongs to the pertinent category. By assimilating poetry to oracle, the speaker conjures up both an intentional link between the poet and the present case and recognizes that he and his hearers must create this link.

The poetry quoted falls into distinct categories: Homer and Hesiod; Solon and Tyrtaeus; Sophocles and Euripides; metrical inscriptions. The orators cite only hexameters, elegiac couplets, and iambic trimeters. These limits may be in part stylistic—lyric would be too poetic to be juxtaposed to the context—but they also point to the relative simplicity and accessibility of these citations. Aeschylus is absent. Obviously, we cannot argue too far from silence, with only a handful of speeches, but Aeschylus was clearly thought to be difficult already in the late fifth century, and he was probably less familiar to the common Athenian than the other tragedians. Although the orator may be concerned to present himself as educated, he does not want to look pretentious. On the other hand, Euripides has completely lost the scandalous qualities so evident in Aristophanes. These quotations belong to a common cultural property that is widely shared; the proof of the orator's education and wisdom lies in his ability to remember them where they are appropriate, to fit the present occasion to the inherited morality of the past.

The orators are self-conscious about the affiliations of the poetry they cite. Aeschines relies particularly on Homer in *Against Timarchus* not only because, as he claims, he has heard that one of the generals will cite Homer in defense of Timarchus, but because Homer is the most canonical author. Once Demosthenes has responded to Aeschines' own quotations, he offers long extracts from Athenian poetry. Lycurgus balances Athenian material—which includes Homer, since he places Homer within the context of Athenian performance—

with Tyrtaeus, educator of the Spartans (though an Athenian in origin, 106). The orators carefully combine non-Athenian with Athenian wisdom, defining themselves and their audiences as the most Greek of the Greeks. Tragedy represents a particular Athenian *paideia*, one that meticulously balances a local form that claims attention from the Greek world at large with an Athenian incorporation of the poetry of other cities.

Histrionic Interpolation

Scholars continue to dispute how much our tragic texts have suffered interpolation, and how much of this interpolation is owing to actors.[21] Interpolation can happen in a purely textual transmission, accidentally through the incorporation of parallels from the margins, for example, and deliberately when the texts are modified for the benefit of prospective readers with explanatory or edifying material. Actors almost always change texts in performance, but actors' practices do not in themselves affect texts. Ancient performers surely had their own texts that reflect their preferred practices, but how and whether these significantly influenced readers' texts is far from certain.[22] It is certainly not impossible that a successful revival would have created demand for the text that had been produced, whether or not that was the author's text.

A discussion of possible histrionic interpolation in all of tragedy would be beyond the scope of this paper (and my competence). The manuscript tradition of Greek tragedy rests on Alexandrian foundations. It therefore seems likely that a text extensively interpolated for performance would have had to enter the tradition early if it were to establish itself. One type of early interpolation may, ironically, reflect the same processes of canonization that lie behind Lycurgus' law.

If we consider where Lycurgus would have obtained his texts, one likely source would be archives of the dramatic poets' families. Some of these, however, are known to have been tragedians themselves, such as Sophocles' grandson Sophocles II, who won at the Dionysia in 387 and 375 (62 T 1–7 *TrGF*). We cannot assume that the purity of an ancestor's text would seem inviolable to an active participant in contemporary

[21] Scholiastic claims that particular lines or passages are actors' interpolations are ancient speculation: Hamilton 1974; Garzya 1981.

[22] On texts for particular purposes, see Fassino 2003 and Prauscello 2003.

theater, even the poet's grandsons or great-great-nephews.[23] After all, some suspect that in the fifth century Euphorion composed the *PV* and produced it under his father's name.[24]

Distinctions need to be made. For example, R. Dawe has argued that some transpositions in Aeschylean lyric could only be explained as errors of memory, and that therefore these were texts produced by dictation from actors.[25] We must not confuse such errors of memory with deliberate textual interventions. Indeed, our texts do not clearly show the signs of such true actors' texts, produced from memory. In the textual criticism of early modern English drama, "memorial reconstruction" is an area of great controversy, but there seem to be cases in which a printed text relies on actors' memories.[26] In such texts, there is typically far more obvious corruption in some parts than in others, since actors remember their own lines better than those of their colleagues.[27] In general, we should hypothesize such an oral transmission only when a text presents a variety of the errors characteristic of such memory-dependent texts.[28] We might expect even more problems than we have, especially in the choral songs of tragedy, if actors dictated or transcribed from memory the archetypes of our texts. Actors in regular productions had no motive to memorize choral songs, if the chorus of a fourth-century revival was trained by a *chorêgos*. We do not know how choruses were prepared for productions in the demes or in venues other than Athens, but it is surely very unlikely that the actors attended all chorus rehearsals or learned choral songs meticulously, even when they would be off-stage while the songs were sung.[29] While I would not deny the possibility that such dictated texts may have existed, they do not seem very likely to be a major source of

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23 Quintilian, *Instit. or.* 10.1.66 (T 77 Radt), says that because Aeschylus was *rudis* and *incompositus*, the Athenians allowed later poets to offer *correctas eius fabulas* in competition, and many won. This notice, if there is any truth in it at all, would seem to imply wholesale rewriting.

24 West 1990: 62–72. He is followed more tentatively by Sommerstein 1996: 321–327, and Euphorion is seen as a possibility by Griffith 1977: 252–254.

25 Dawe 1964: 161–164.

26 Martin 2002.

27 See Wells and Taylor 1987: 23–28.

28 Maguire (1996: 159–223) critically catalogues the variety of errors in Elizabethan dramatic texts and how each could or could not support a hypothesis of memorial reconstruction. Many of these criteria could also apply to ancient texts.

29 Wiles (2000: 105) says that the institutional division between *chorêgos* and actor does not imply separate rehearsal, but I think he is wrong.

our texts of tragedies. (The Ptolemaic papyri of Homer very possibly do go back to performer-generated texts).[30]

However, deliberate changes for later performance are a very different matter. The evidence all indicates a very significant difference between the production of old plays and new ones. Ordinarily, the producer/director of a new tragedy was the poet; of a revival, it was the protagonist. Far more likely, then, if we have texts that include interpolations from the milieu of performance, these are based on texts generated by or for the protagonist.

Worry about histrionic interpolation on any large scale in our texts now focuses mostly on three tragedies: *Seven against Thebes*, *Phoenissae*, and *Iphigenia at Aulis*. *IA*, probably not complete at Euripides' death and never produced under his supervision, presents unique problems. The other two have some interesting similarities. The passages most likely to be interpolations are in the *exodos* and concern the burial of Polynices.

If we operate with the working assumption that *Seven against Thebes* 1005–1078 and *Phoenissae* 1737–1766 are producer's interpolations (but that 1582–1736 are at least partly Euripidean),[31] the implications are striking. First, both passages are competent enough imitations of the respective poets' styles to be disputable. The passage in *Seven against Thebes* has trimeters and anapests that in *Phoenissae* highly resolved iambic and anapestic lyric cola. These are not the work of amateurs, but of competent poets. The composers of these passages knew the authors' work well.

The passage in *Phoenissae*, if what precedes is genuine, somewhat confusingly has Antigone retract her earlier position that she will accompany her father into exile rather than marry Haemon or bury Polynices.[32] She has kissed the corpse of Polynices and helped her father touch his dead sons (1699–1702). Now she cries that she will bury her brother at the cost of her life. Oedipus then—the passage is obscure and the order of lines vexed—suggests that she join other young women, or go to an altar, or engage in maenadic rites; the connection between these actions and either burying Polynices or accompanying

[30] Haslam (1997) has an excellent discussion of the early texts.

[31] 1736–1757. 1537ff. do not appear in P. Stras. W.G. 307, which is possibly a lyric virtuoso's working copy. The lines were in the edition used by Didymus, who commented on 1747. On the text, see Mastronarde 1994: 635–637. Kovacs 2002 (Loeb), brackets from 1582 ("some of the lines in the new scene might have been salvaged from the old").

[32] Battezatto 2003b.

him into exile is very unclear. Euripides composed an *Antigone* in which the heroine survived after burying Polynices, married Haemon, and had a son. She evidently appeared as a maenad in this play.[33] Our passage might make better sense if it could be taken as an allusion to this version. In any case, it seems to reflect the interpolator's discomfort with Antigone's choice, and so leaves her intentions uncertain.

In *Seven against Thebes*, Hutchinson has convincingly argued the *Phoenissae* is itself the main source for the end, in which the herald announces the prohibition of Polynices' burial, Antigone announces her intention of burying him, and the chorus divides, with one group supporting Antigone, the other the city.[34]

There are thus two texts in which we have reason to think that a fourth century production added or increased attention to Antigone's burial of Polynices. *Phoenissae* presents the theme, but briefly, and Antigone abandons her intention. With the extant ending it is not entirely clear what she is going to do. *Seven against Thebes* probably did not originally refer to the story at all (not surprisingly, since the hypotheses II and III to Sophocles' *Antigone* give reason to think that Sophocles essentially made it up).[35] We may recall that Demosthenes cited Sophocles' *Antigone* at length. He also, in 19.247, says that both Aristodemus and Theodorus "often" performed this play: Ἀντιγόνην δὲ Σοφοκλέους πολλάκις μὲν Θεόδωρος, πολλάκις δὲ Ἀριστόδημος ὑποκέκριται.[36] While Demosthenes may be exaggerating, is seems very likely that this play was exceptionally well-known and the burial had become one of the fixed elements in legendary history. Its absence from other presentations of the material would perhaps trouble audiences. *Phoenissae* had introduced the stage presence of the two corpses. Producers therefore added lines at the ends of their plays to locate the plays within this familiar topic. It was not required that other plays follow *Antigone* precisely, but an Antigone who showed no concern about burying her brother could not make sense. Late Euripides had developed an aesthetic of forcing his plots back into mythological normality at the very end, and this may have trained both actors and public to expect such a re-assertion of the familiar.

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[33] Kannicht 1992.

[34] On 1005–1078. Most scholars who believe that the scene is interpolated take *Antigone* as the source. Summary with bibliography in Zimmerman 1993: 99–111.

[35] See Griffith 1999: 4–12.

[36] Easterling 1999: 157 n. 14.

The practice of interpolation thus itself reflects a peculiar development within the process of canon-formation and the balance of oral and literate attitudes in the classical world. Readers of a fully textual literary canon develop strategies for managing the anxieties provoked by disagreements among texts all of which have authority. They can create a hierarchy among texts, deciding which is correct and rendering others less valid. Sometimes, they can intervene textually or interpretively to make the disagreements vanish, by, for example, self-consciously emending or reading allegorically. They can move to a different level of interpretation at which the disagreement becomes unimportant. They can train themselves to a cognitive dissonance in which disagreements are no longer salient, or can consciously decide to accept them or even celebrate them. The history of Biblical interpretation is rich in examples of all these strategies, and so is the history of Homer. Oral canons work differently, and oral performers, if disagreements become a problem, modify their stories, typically without acknowledging that they are changing anything. The "canon" interpolator modifies one existing text to fit another.

Of course, the producer who added a speech to a tragedy was not in the position of an epic performer who changes his song because it no longer "works" as it was performed in the past. He knew what he was doing. But he did not, surely, think of himself as basely interfering with a text entitled to be transmitted as the author intended. For one thing, in the Athenian theater as now, actors probably negotiated with the poets about their texts in the process of original performance. Dramatists, like architects, tend to have to modify their intentions in cooperation with those who give them material form. It is very unlikely that the poets, working as directors of their plays, were never convinced in rehearsal that a particular song was too difficult, a scene too long or too short, an allusion too obscure. Actors tend not to see themselves as passive interpreters of authorial will. Such a situation favors the transmission of distinct forms of the text, as early modern England attests: texts claiming to be a play as actually performed and claiming to be a true, authorial copy may both enter circulation.[37] In a culture in transition between orality and literacy, the limits of modification in the absence of the author are far from fixed.

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[37] Erne 2003: 31–55.

One aspect of producers' interpolations belongs at a very particular moment of this development. Performers and audiences are self-consciously re-performing older texts that have a particular value for them. These texts belong to a group of old texts, the tragedies of the last century. The existence of such a group, even though it is not formally codified or perhaps fully fixed, creates a concern for internal coherence. One way to solve that difficulty is the old, oral way, by adding lines to the some performances so that they fit better with familiar texts. Yet literate strategies were already available and in use for Homer; this method of managing canon-formation may have been natural for actors, but it was not the only way to address the problem. The Lycurgan law rests on the assumption that the problem should be differently handled. It defines all the texts it includes as equally sacrosanct, and thereby directs future producers, audiences, and readers to the literate strategies for reconciling problems.

The Astydamas affair

In the *Against Ctesiphon* (190), Aeschines quotes the epigrams for those who fought at the Strymon, to demonstrate that the general's name is not given, and goes to cite the failure to identify Miltiades by name in the painting at the Stoa Poikile and to quote the epigram for the democrats from Phyle. These are in some ways not quotations from poets, but honorary inscriptions that happen to be in elegaic couplets. But the passage is of great interest for poetry, because in 181–182 Aeschines compares Demosthenes, very unfavorably, with Themistocles, Miltiades, and Aristides. These heroes, he says, did not receive crowns or other similar honors.

There were, however, statues of Miltiades and Themistocles in the theater. We do not know when they were erected, but Andocides in *On the Mysteries* (38) refers to the "bronze general" as a familiar landmark: δείσας δὲ αὐτούς, εἰσελθὼν ὑπὸ τὴν σκιὰν καθέζεσθαι μεταξὺ τοῦ κίονος καὶ τῆς στήλης ἐφ' ᾗ ὁ στρατηγός ἐστιν ὁ χαλκοῦς ("fearing them, I went into the shadow and sat between the pillar and the base with the bronze general on it").[38] There had also been a recent controversy about proper commemoration in the theater. The *Parthenopaeus* of Astydamas

[38] See MacDowell 1962: 89 (on 38).

was produced in 340 (DID A1.304 and A2.16); he had won also the preceding year. According to Diogenes Laertius 2.43, the Athenians so admired the play that they put up a statue of the poet in the theater (a base survives with the name Ἀστυ[(*IG* ii² 3772ᵃ). The paroemiographical tradition preserves a story that Astydamas composed an epigram for the base that was so arrogant that the Athenians (by a decree of the *boulê*, according to Zen. 5.100) refused to inscribe it; the comedians therefore made fun of Astydamas (T 2a, 2b). Philemon's line is cited, σαυτὴν ἐπαινεῖς, ὥσπερ Ἀστυδάμας, γύναι. The epigram runs:

> εἴθ' ἐγὼ ἐν κείνοις γενόμην, ἢ κεῖνοι ἅμ' ἡμῖν,
> οἳ γλώσσης τερπνῆς πρῶτα δοκοῦσι φέρειν·
> ὡς ἐπ' ἀληθείας ἐκρίθην ἀφεθεὶς παράμιλλος·
> νῦν δὲ χρόνῳ προέχουσ', οἷς φθόνος οὐχ ἕπεται.[39]

> If only I had lived in their time, or they in ours,
> those who have the fame of having the first prizes for a sweet tongue.
> Then I would be judged on a true basis, racing as a competitor.
> As it is, they are ahead because of time, since envy does not follow them.

While we cannot be certain that the epigram is authentic or the details of the story are true, the comic line and the extant inscription both suggest that there was a famous incident. Diogenes Laertius (2.43) includes honoring Astydamas with a statue before Aeschylus among Athenian follies they later regretted. The other examples involve insults to Homer and Tyrtaeus, and sound as if they are derived from comedy.

The epigram must refer primarily to the great tragedians of the previous century. It assumes a canon whose authority the poet challenges.[40] The poet does not apparently consider that if temporal distance removes *phthonos*, as indeed it conventionally does, he himself may hope to become part of that canon eventually. The epigram thus points to the importance of immediate reputation, for a dramatist based in performance. It belongs to a point at which a dramatic poet does not exist simply within a present of his own competitors, as athletes did in a world without timers, but neither did he see himself, as Horace, for example, does, as a potential member of the canon.

The placement of Astydamas' statue probably helped firmly establish the very canon he resents. Lycurgus' dominance in Athens began after Chaeronea, and he placed statues of the fifth-century tragedians in the theater at some point before his death in 325–324. I would suggest that

[39] I follow the text of D.L. Page, *Further Greek Epigrams* (Cambridge 1981) 33–34.
[40] See Wilson 1996, especially 316–317 on the "oppressive" quality of the canon.

the controversy about the statue of Astydamas was a significant contingency: precisely because a living tragedian dared compare himself with those of the past, the statesman saw a need to commemorate that past more overtly. Because Astydamas was descended from Philocles, Aeschylus' nephew, his statue especially marked the absence of that of Aeschylus, the poet of the generation of the Persian Wars whose generals were honored in the theater.

The Program of Lycurgus

What does this context imply about the possible purposes of the Lycurgan text? It should be stressed from the start that Lycurgus could not hope to control the practices of performers elsewhere. His law is an Athenian festival regulation; even for the demes, it was probably a local decision whether to take the trouble to make sure that their festival performances conformed to the city text. Outside Attica Lycurgus had no power, and the law makes no attempt to regulate the book trade. At least in theory, an old tragedy other than those of the Three could still be performed (many were certainly extant), but these were unregulated. Some aspects of revivals could not re-create the original performance. Choreography must have perished. There is no evidence that the Lycurgan text had musical notation.[41]

To better understand Lycurgus' law, then, we need to rethink our assumptions. First, we are too familiar with the status of the three tragedians as the canonical three. The Peripatetic Heraclides Ponticus wrote a treatise *On the Three Tragedians* (fr. 179 Wehrli); its date could be anywhere from the 360s to the 320s. This, along with Lycurgus' regulation, is the first attestation of the canon of three. Here, again, the canon of three belongs to elite book-culture, not to the popular theater. Indeed, Diogenes Laertius (5.87) also cites a work of Heraclides called *On issues in Euripides and Sophocles* (περὶ τῶν παρ' Εὐριπίδῃ καὶ Σοφοκλεῖ)—in three books, while the treatise on the Three was only one book long.

Even though Aeschylus appears to have been rarely performed and is not cited in the courts, Lycurgus included him. Lycurgus may have hoped for more performances of Aeschylus, of course, but his definition

[41] Pöhlmann 1991.

of the canon seems based not on the theater but on elite literary culture and patriotic tradition. The presence of Aeschylus implies that Lycurgus did not just ratify an existing practice. Rather, Lycurgus included Aeschylus very much as Plato chose him as an object of attack. His law created texts not just as a mechanism of control, but as a material intervention in social memory corresponding to the placement of statues in the theater. Whether the actual verses of Aeschylus were widely known, he was essential to the narrative of Athenian political and cultural greatness that Lycurgus was telling. Similarly, Lycurgus did not try to control the style of performance, but only the actual words spoken and sung.

Second, we need to think about Lycurgus' model. The archival tragic text is to serve in regulating an event within an Athenian festival. Lycurgus, indeed, seems to have paid most attention, apart from financial/military/naval affairs, to monuments and festivals—that is, to the self-representation of Athens and the maintenance of social cohesion and social memory.[42] The discussion of tragic quotations in the orators has shown how tragedy belongs within the pan-Hellenic poetic inheritance, and how Lycurgus himself praises the Panathenaea and its customs even as he quotes Euripides. So the Panathenaic rule, which similarly governed how a text was to be performed at an Athenian festival, seems the obvious source for Lycurgus' law.[43]

Our other fourth-century source for the regulation of rhapsodic competition at the Panathenaea, the ps-Platonic dialogue *Hipparchus*, says (228b) that Hipparchus "first brought the poems of Homer to this land and compelling the rhapsodes at the Panathenaea to perform them in succession, in order, as they still do to this day." Scholars generally agree that this rule implies an official written text. Although the origin and significance of this text continue to be a matter of immense dispute among Homerists, these issues are not relevant here, where the question is what the Panathenaic system would have meant to Lycurgus.[44] The Panathenaea offers a public performance under city sponsorship, with the performers/competitors required to respect the basic integrity of a text as defined by an authoritative copy. The enactment of Lycurgus was a Panathenaic rule for the three tragedians.

[42] Parker 1996: 242–255.
[43] The parallel is noted by Garzya 1981: 56.
[44] On the rule, see Davidson 1963: 237–239.

Since there is far more evidence for the Homeric text of the classical and Hellenistic periods than for the texts of the tragedians, recognizing that the Athenian Homer is the obvious model for Lycurgus' archive allows us better to imagine what he wanted to do. By this period (and in my opinion much earlier, but that does not matter here), the Homeric poems are very stable on a large scale. The central canon of *Iliad* and *Odyssey* is set, though there is disagreement at the margins. The plots do not vary from text to text; the episodes are fixed. One would not easily mistake an *Iliad* for anything else. At the same time, individual texts are extremely variable at the level of particular lines. Our own ideas of poetry and our inheritance of Homeric scholarship makes it hard to accept, but it seems overwhelmingly likely that audiences and readers of Homer simply did not care about authenticity at this level. Plato's Ion comes to Athens for the Panathenaic competition, after winning first prize at Epidaurus (530a). It does not seem plausible that he paid attention to local textual preferences of these places; the Panatheaea governed what would be performed in general, but it cannot possibly have tried to control rhapsodes for adherence to a single text.

Above all, the Lycurgan law proclaimed the tragedians as worthy of regulated performance on the Homeric model, and set boundaries: presumably the archive defined which dramas were to be regarded as the compositions of each poet. It therefore gave official, public form to the view of the tragedians implicit in the quotations from the orators—they are the special Athenian contribution to pan-Hellenic poetic wisdom. They are also the special sponsors of Athenian greatness, whose statues were placed in the theater along with those of Miltiades and Themistocles. Their archived texts are a national treasure, whose value is not limited to the actual use for regulating performances.

Textually, the Lycurgan system could not control small interpolations or variants. The notice in ps.-Plutarch probably means that the *grammateus* read the official text to the actors. It could perhaps mean that he actually collated actors' texts and corrected them himself. What he surely did not do was sit in the theater with a copy of the official text, noting any deviations. In other words, the system could achieve roughly what the Panathenaic rule achieved: it would discourage the insertion or deletion of whole speeches or episodes, and give particular prestige to the performance conducted under its control. It would not, however, exert broader authority over the text, because the general public of audiences and performers did not care strongly about textual preci-

sion and so had no motive to defer to the Athenian state text. We do not know whether Panathenaic performances were complete, but the rule implies that the whole text is equally valuable, opposing the desire of rhapsodes to perform the most powerful segments. The Lycurgan system does not force actors to perform plays they do not want to perform, but the archived text represents the worth of the entire corpus of each tragedian. It guarantees the survival even of plays that were completely ignored in contemporary performance.

The tragedians' texts, then, had significance independent of their actual use in guiding performance. They were at once talismanic, not entirely unlike the statues of the tragedians that Lycurgus also had erected, and practical, placing a genuine limit on the freedom of actors to transform texts at the festival that claimed to be the most authentic home of tragic performance.

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MYTH AND WRITING IN AESCHINES' *AGAINST TIMARCHUS*

Guy Olding

The relationship between the oral and the literary in classical Athenian oratory has received some attention over the years from a number of angles, such as procedural questions concerning different kinds of evidence, and the relationship between an original speech and the published version that has come down to us. Here I focus on the orator's strategy in choosing different media—written instead of oral—to present his evidence.[1]

In 346/5 BCE political rivalries and conflicting policies towards Macedonia led the Athenian orator Aeschines to prosecute his opponent and Demosthenes' ally Timarchus. He alleged that Timarchus should be excluded from active political life on account of his moral corruption, particularly demonstrated in his improper sexual behaviour.[2] In the course of Aeschines' extant speech, *Against Timarchus*, he claims that one of Timarchus' supporters, "a general," planned to defend him by affirming that homoerotic relations were conventional and even admirable, referring to the precedent of Achilles and Patroclus. Aeschines does not dispute the example's validity but offers an interpretation that emphasizes a distinction between "good" and "bad" homoerotic love. He insists that all men of taste know that Achilles' and Patroclus' relationship was not based on carnal interest (though he seems to assume that this did exist) but *really* rested on their mutual regard for the nobility of each other's character.[3] He supports this view with four passages from *The Iliad*. Three of these exhibit significant

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[1] This paper is a revised version of *Mythconceptions: The Uses and Sources of Myth in Classical Greek Political and Legal Oratory* presented at *Orality and Literacy VI*, Winnipeg, July 2004. I would like to acknowledge the useful comments I received at the conference and at other times, particularly from Nick Fisher, Thomas Hubbard, Doug Kelly, Elizabeth Minchin, Lene Rubinstein, and Ruth Scodel.

[2] For the circumstances and details of the trial, see the introduction in Fisher 2001.

[3] Aes. 1.132–150, especially 142, 146. On attitudes towards Achilles' and Patroclus' relationship, see especially Dover 1978: 197–199; Clarke 1978; and Fisher 2001: 288–289.

divergences from any known text.[4] I follow the view that these variations support Aeschines' interpretation and help his argument.[5] These three passages have another unusual feature. When orators cite poetry they almost invariably recite it themselves. Aeschines, in fact, clearly does this for the first Achilles–Patroclus passage (*esti de ta epê, ha egô nuni mellô legein*) (144) and his other poetic quotes. The three heterodox passages are, however, read out by the clerk of the court (*grammateus*). Aeschines uses the terms normal of instructions to the clerk, *lege* and *anagign-*.[6] Presumably the clerk is using a written text that the orator had supplied. I argue that this use of the clerk is a deliberate tactic, a vehicle to introduce a written text into the court, in order to authenticate a particular version of *The Iliad* and add authority to a particular interpretation. Some scholars have implied this before but not developed it;[7] other explanations, which I canvass, seem to be inadequate. If my suggestion is correct, this has significant implications for the importance of the written versus the spoken word in this period.

Orators rarely cite poetry but when they do they take care to stress the poet's status and value in moral inculcation, though we may wonder if its real attraction lies in its capacity for emphasis and forceful expression.[8] *Against Timarchus* contains one of the most blatant appeals to poetic authority: Aeschines admits that the dearth of evidence for Timarchus' perversion places great weight on hearsay but asserts that this has great value. *Phêmê* ("Rumour" or "Report"), he says, is a goddess, pointing to her altar and to the witnesses Euripides and Hesiod.[9] He also says that in *The Iliad* Homer "often" uses the expression "Report came to the Host." In fact, this phrase and, indeed, the term

[4] On the variety of the manuscripts of *The Iliad*, see Haslam 1997.

[5] This is usually accepted; one denier is Dué 2001: 36 n. 17.

[6] Aes. 1.148, 149, 150.

[7] E.g. Fisher 2001: 291 cf. 135.

[8] On the value of poets: Aes. 1.142, 151, 3.135; Dem. 19.246, 248, 252, 254; Lyc. 1.100, 102, 106. These four speeches contain the only poetic recitations in extant oratory, though we may note that this was apparently a habit of Lycurgus (Hermogenes *Peri Ideôn* 2.389), and that Aristophanes makes a joke of it (*Wasps* 566, 579–580). On poetry and oratory, see especially Dorjahn 1927; North 1952; Perlman 1964; Ober 1989: 178–180; Wilson 1996; and Ford 1999. Aristotle comments on the force of short and gnomic sayings, which represent "ordinary" wisdom. Most of his examples are poetic (*Rhet.* 2.21.9, 1395a).

[9] Aes. 1.128–129 ~ Eur. fr. 865 N; Hes. *W&D* 763–764.

phêmê are unattested in *The Iliad*[10] but the point is that poetic authority is potentially clinching.

In considering the wording of the passages of *The Iliad* in this speech I clearly assume that the published version accurately represents that which was actually delivered, and that its poetic quotes are genuine and original. I justify this in an appendix to avoid a lengthy digression at the start of my paper. For what it is worth, modern scholars who seek information on early texts of Homer regularly refer to this speech, so I have good company in my assumption.

Aeschines' Iliad

Aeschines cites *The Iliad* in order to establish his interpretation of Achilles' and Patroclus' relationship. He argues that it is not a suitable precedent or analogy for Timarchus' behaviour but, while intense, it was essentially noble, concerned with good character and behaviour, and was not primarily or explicitly carnal. The variations in the three passages that Aeschines refers to the clerk seem to promote this interpretation.[11] In the first (148 ~ Hom. *Iliad* 18.333–335), where, in the vulgate Homer, Achilles calls Patroclus by name (line 333), Aeschines instead has the more intimate *phil' hetaire*. The term *hetairos* also appears in the next two Homeric quotes (as it does in the vulgate), which suggests that he is deliberately drawing out this kind of noble and heroic relationship as the thread of his argument.[12] In the last passage, where Achilles bewails Patroclus' death (150 ~ Hom. *Iliad* 18.95–99), the vulgate has him say "and he was so far from home" (*ho mên mala telothi patres*: line 99); Aeschines has "he who was so very dear to me" (*ho moi polu philtatos esken*), again emphasizing the closeness of their friendship.[13] Instead of line 97—"to her swift-footed Achilles, much aggrieved, replied" (*tên de meg' ochthêsas prosephê podas ôkus Achilleus*)—he has "to

[10] Aeschines may be referring to a variant, to the lost Epic Cycle, or simply be speaking loosely. A similar expression using a different word, *Ossa*, does occur (Hom. *Iliad* 2.93–94). See Fisher 2001: 268–269.

[11] I use the text of Dilts 1997. The variations do not seem to be due to corruption in Aeschines' manuscript tradition: the surrounding text shows a low level of corruption. See Diller 1979, and the recently published papyri in *POxy*. LX 4027–4055 (though the latter do not cover the relevant sections).

[12] Van der Walk 1964: 328 and Fisher 2001: 292.

[13] Van der Walk 1964: 329.

her swift-footed *godlike* Achilles replied" (*tên d'aute proseeipe podarkês dios Achilleus*). Aeschines' version is still a Homeric formula but it removes reference to Achilles' excessive, almost irrational passion. Instead, his decision is noble, calm and reasoned.[14]

The second passage read out by the clerk is part of the speech that Patroclus' ghost makes to Achilles (149 ~ Hom. *Iliad* 23.77–92). This is the longest of the three and shows significant rearrangement. The different opening (line 77: instead of the vulgate's *ou men gar zôoi ge philôn apaneuthen hetairon / boulas hezomenoi bouleusomen* Aeschines has *ou gar eti* ...) is a conventional Homeric phrase, perhaps relocated from line 75.[15] Using the temporal particle may have called to the jury's mind the longstanding nature of Achilles' and Patroclus' relationship. The plus-verse 81a—"fighting with the enemy for fine-haired Helen" (*marnamenon dêiois Helênês henek' êukomoio*)—is also Homeric. In a normal recitation of *The Iliad* such a parenthetical remark would be superfluous and might interrupt the flow of the speech, though neither of these means that it is inauthentic. In Aeschines' version it makes the passage more self-contained, desirable in an isolated extract. It may have a subtle literary effect as well. Introducing Helen alludes to a mode of behaviour that is unrestrained, appetitive, disloyal and destructive, displayed to full effect through her loves. Its extreme negative qualities imply a contrast to—and thereby emphasize—the positive qualities of the love that Aeschines claims for Achilles and Patroclus.

In line 82 of the vulgate Patroclus says to Achilles, "And another thing I will tell you, and charge you, if you will listen" (*allo de toi ereô kai ephêsomai ai ke pithêai*). Aeschines instead ends this line with "and [do you] fix it in your heart" (*su d'eni phresi balleo sêisin*). Again, this is a conventional formula but using it here makes Patroclus' request more confident, enhancing the apparent strength of his relationship with Achilles. Aeschines also gives the plus-verses 83ab: "but so the same earth may cover you also / [in] a golden coffer with two handles, the one your queenly mother gave you", the second line located at 92 in the vulgate. This does not change the burden of the speech but its logic is reversed: in the vulgate their childhood friendship is the basis on which Patroclus appeals to Achilles for a joint burial, whereas in Aeschines' version their joint burial is a remembrance and continuation

[14] Fisher 2001: 293.
[15] Sanz Morales 2001: 58.

of their childhood friendship.[16] Moreover, this downplays the Homeric finality of death, preferring the later tradition in which heroes were immortalized in cult.[17]

Aeschines' prefatory remarks and paraphrases confirm that these variations are intended to create the impression I suggest. He claims that the first extract (the orthodox one that he recites himself) shows that Achilles was particularly grieved by his inability to fulfill his promise to return Patroclus safely to his father Menoetius, and that therefore love was his chief motivation (143). This is not an obvious inference from the passage.[18] The paraphrase omits the spoils (*perikluton*, line 327) that Achilles expected Patroclus to gain at Troy. This removes an important reason—not based on friendship—why he accompanied Achilles in the first place. Aeschines plays on Homer's "return" (*apaxein*) of Patroclus in the contemporary legal sense of "returning" a deposit," saying that Menoetius had "entrusted" (*parakatatheito*) Patroclus to Achilles. This emphasizes Achilles' concern to discharge a duty of honour, while downplaying the passion of his emotional involvement.[19] The paraphrase of 23.77–78 (~ 146) changes the object of Achilles' and Patroclus' youthful deliberations from "plans" (*boulai*) to "the greatest matters" (*ta megista*), exaggerating the high-mindedness of their interests. Patroclus' request for joint burial is described as an extension of his shared life with Achilles. Aeschines twice uses *episkêptein*—to "enjoin" or "impose"—of his request to Achilles. This forceful term emphasizes that their relationship is one of strong mutual regard, which is not clear in *The Iliad*.[20]

The variations in Aeschines' text of *The Iliad* could be simple errors of memory[21] or could reflect contemporary texts, whether oral performances or written tracts.[22] Indeed, their characteristics are typical of pre-vulgate texts: a number of plus-verses, generally composed of familiar Homeric phrases, and a few minus-verses.[23] Aeschines' version of 23.77–91, where he omits line 92 (at least, his quote ends at 91), and

16 Van der Walk 1964: 327–329.

17 Dué 2001: 45 cf. Hom. *Odyssey* 24.73–94.

18 Dover 1978: 53.

19 Ford 1999: 252–253.

20 In *The Iliad* Patroclus is almost entirely passive in his relationship with Achilles (Clarke 1978: 290–292).

21 Sanz Morales 2001: 54–65 cf. Van der Walk 1964: 272 ff.

22 Dué 2001.

23 Haslam 1997: 63–69.

inserts the alternative 83ab *may* be corroborated by papyri: line 92 is omitted from a mid-3rd century papyrus and is also atheticized by Aristarchus.[24]

However, while it goes without saying that Aeschines' quotes must have seemed credible to the jury, it does not follow that they could not be influenced by selection and adaptation. As it is Aeschines' intention that the passages inform the jury's attitude towards types of homoeroticism, it can hardly be coincidence that they subtly encourage a view of Achilles' and Patroclus' relationship that advances his argument. We cannot suppose that he poured over several different manuscripts in order to find helpful readings, and to accuse him of tampering with the text misrepresents its fluid nature. It is more likely that he thought of these passages when preparing his speech and inserted them, with or without consulting a text. The verses' peculiarities would be due to his unconscious adaptation or conscious choice of certain actual or potential Homeric formulas from the available range. Xenophon and Aristotle both use "Homeric" verses that are otherwise unknown and probably fabricated for the occasion but are apparently accepted as authentic in their context.[25] Likewise, to observe that Aeschines' variations of *The Iliad* are probably his own does not mean that they are false. On the other hand, the jurors would not necessarily be uninfluenced by further proofs of validity.

Aeschines and the Clerk

Aeschines calls upon the clerk to read out only these passages with significant and advantageous variations. The document that he presumably provided to the clerk is therefore displayed—though not formally presented—to the jurors. Its presence serves to authenticate the peculiar wording that is relevant to the interpretation at issue. Were his opponents then to cite Homer and arrive at a different conclusion, their interpretation would look quibbling or wrong-headed. This analysis of Aeschines' motives assumes that he recognised that his version

[24] Unfortunately the papyrus is missing lines 1–85, so we cannot tell if it reflects Aeschines in other details. Pre-vulgate texts rarely seem to influence later scholarship or manuscript tradition (Haslam 1997: 75–76).

[25] Xen. *Smp.* 8.30, Arist. *EN* 3.8.10, 1116b cf. the mishmash in Aristoph. *Peace* 1091–1098.

was not definitive; but it does not assume that it was necessarily less legitimate than any other version. If a written document could enhance the authenticity of verses of *The Iliad*, this is indicative of the authority that it possessed. Aeschines shows that he was sufficiently aware of this authority to use it strategically.[26]

There is only one other instance of an orator referring poetic quotes to the clerk, Demosthenes in *On the False Embassy*. This example, however, is explained by its context. He alleges that Aeschines could not have known the verses he used in his prosecution of Timarchus—referring specifically to Euripides' *Phoenix*—without having looked them up (19.246, 250). He instructs the clerk to read out (*lege*) a passage from Sophocles' *Antigone* that he claims aptly describes Aeschines' unpatriotic behaviour (247). Demosthenes' object is to paint Aeschines as hypocritical and snobbish. He flatters the jurors that they know and respect their poets and identifies himself with their sentiments. However, cleverly "capping" Aeschines with a poetic quote of his own is to risk appearing élitist himself. He justifies his quotations as responses to Aeschines' and emphasizes Sophocles' wisdom and usefulness.[27] Referring the Sophocles passage (and the closely following quote of Solon fr. 4 West ~ 255) to the clerk serves the same purpose, to make him seem less of a know-it-all.

Aeschines' use of the clerk in *Against Timarchus* is, therefore, quite novel. He overturns the usual practice of orators (including himself) of reciting poetry themselves, as though the "spontaneous expression of the well-bred citizen,"[28] and denies himself ideal material for his famous actor's voice.[29] Existing suggestions to explain this oddity are either inapplicable or inadequate.

a. Dorjahn observed that referring material to the clerk could save the orator time.[30] However, the clock was only stopped in private cases, inapplicable to *Against Timarchus*, which was a public trial.[31]
b. For that matter, there does not seem to be a direct relationship between the length of an item and the orator's decision

[26] In other cases, Aeschines seems to be conscious of the force of written evidence (Thomas 1989: 69–71).

[27] Dem. 19.243, 245–248, 251; Ober 1989: 178–180.

[28] Ford 1999: 235 n. 15 cf. Ober 1989: 182–187.

[29] E.g. Aes. 2.41, 3.228; Dem. 18.259, 308, 19.337; Demochares *FGrH* 75F6c.

[30] Dorjahn 1927: 92.

[31] I owe this observation to Lene Rubinstein. On the timing of speeches, see Rhodes 1981: 722–723.

to give it to the clerk.[32] Some passages that clerks read out are quite short, including two of the three *Iliad* quotes in Aeschines' *Against Timarchus*, and the Phyle epigram in his *Against Ctesiphon*: three, five, and four lines respectively.[33] Orators may recite longer items themselves: Aeschines gives a nine line extract from Euripides' *Phoenix* (1.152) and the fourteen line Eion epigram (3.184–185); Lycurgus gives marathon recitations of Tyrtaeus (32 lines) and Euripides' *Erechtheus* (55 lines) in his prosecution of Leocrates (1.107, 101).

c. Peter Wilson suggests that Aeschines wanted to give the clerk the opportunity to recite *The Iliad* passages from memory, which would demonstrate to the jurors the ordinary citizen's familiarity with Homer's prescriptions.[34] Were this so we might expect Aeschines to acknowledge it and to frame subsequent requests accordingly.[35]

d. As clerks normally read out official documents, such as laws and decrees, Aeschines may have sought to imply that Homer's words were authoritative witnesses comparable to laws.[36] Lycurgus, some years later, does, in fact, connect the functions of poetry and law, saying that whereas laws are prescriptive, poets (specifically Homer) are descriptive, providing positive models for emulation (1.102). Yet this explanation does not account for the heterodoxy of Aeschines' Achilles–Patroclus passages; if anything, it makes it more unexpected. Moreover, his use of the clerk remains the exception to the usual practice of orators—including Lycurgus and Aeschines—of reciting poetry themselves and referring laws and decrees to the clerk.

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[32] Implied by e.g. Dorjahn 1927: 92; North 1952: 25–26; and MacDowell 2000: 306.

[33] Aes. 1.148, 150; 3.190.

[34] Wilson 1996: n. 10.

[35] Speeches do sometimes record orators' reactions to circumstances e.g. Pl. *Ap.* 20e, 27b; Dem. 57.63, 66.

[36] Perlman 1964: 166–167 and Fisher 2001: 291 cf. Dorjahn 1927: 91; Dué 2001: 36 n. 17; and Sanz Morales 2001: 52–53. Hermogenes remarks that, from a stylistic point of view, poetry that is not well integrated into the body of a speech resembles laws and decrees. It is, however, clear that he does not regard the intervention of the clerk as necessary to this effect, as one of his two examples (Dem. 18.267) is spoken by the orator (*Peri Ideôn* 2.321). It is sometimes implied that the text of *The Iliad* must have been an official one. Even if there was such a thing, there is no reason to suppose that orators had to use it; if they did, they certainly did not have to refer it to the clerk like a law (e.g. Aes. 1.144; Lyc. 1.103).

e. An orator may have called upon the clerk to read out a document so that the change of voice would break the monotony of his speech, perhaps to highlight a point or to recapture the jurors' flagging attention.[37] The use of the clerk in *Against Timarchus* does, in fact, seem to conform to the pattern for "second voices" in comparable speeches, assuming that attention spans are similar in similar circumstances. "Second voices" are typically concentrated in the first third of a speech, obviously for structural reasons, where the laying out of charges and citing of evidence requires the clerk to read out laws and testimonies, but there is often also an isolated burst about three quarters the way through, as though the orator wishes to wake the jury up or rest his own voice for his concluding harangue.[38] This is just where the clerk's recital of *The Iliad* passages appears in *Against Timarchus*. However, this analysis is not completely satisfactory. If Aeschines' object is to grab the jurors' attention, it seems more likely that he would introduce the clerk either earlier, at the point where his argument from mythical precedent begins, at chapters 127, 132, or 144, or later, where he starts his conclusion, at 177. Moreover, it does not explain why Aeschines chose to prepare extracts of *The Iliad* in the first place instead of giving the clerk the usual laws and decrees. The fact of his innovation presupposes that he had the deliberate intent to cite these verses in this way.

None of the explanations I have canvassed here is entirely adequate. Most would make best sense if speakers normally referred poetry to the clerk, whereas the reverse is true. None explains the verses' variations, the advantage that they seem to give to Aeschines' argument. To suppose that Aeschines uses the clerk as a means to turn a fluid or even doubtful oral text into an implicitly fixed and apparently authoritative written text for benefit of the court provides the most satisfactory explanation.

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[37] Suggested by Lene Rubinstein cf. her work on supporting speakers (2000). Cf. the anecdote that Demosthenes regained the court's attention by telling an irrelevant story but withholding its conclusion (schol. Aristoph. *Wasps* 191; Hall 1995: 56).

[38] For the sake of this brief analysis I regard eleven speeches as comparable to *Against Timarchus*: Lys. 12; Aes. 3; Dem. 19, 20, 21, 23, 24, 25, 59; Lyc. 1; Din. 1. These are (a) prosecutions i.e. delivered first, (b) public cases i.e. time is measured in the same way, and (c) more than a certain length, say, one hundred chapters (some speeches are unrealistically long but I am assuming here that expansion occurs evenly throughout).

Analogies

There are no certain corroborations of Aeschines' tactic but there are no certain refutations either. There are some oral or written texts, such as poetry or epigrams, cited in oratory, whose form can be compared to that known from some other source. (I exclude laws and decrees, which were protected from falsification, at least theoretically, by legal sanctions. Of course, they could still be quoted selectively or interpreted misleadingly.)[39]

Lycurgus' *Against Leocrates* may provide an analogy. In this speech he stresses the sanctity of oaths by citing the one that the Greeks swore before the Battle of Plataea, and he has the clerk read it out. When the text is compared to an extant inscription several seemingly strategic differences appear.[40] Lycurgus replaces the non-Attic terms *tachiolochoi* and *enômotarchai* with *hêgemones* (lines 25–26). This helps his assertion that the oath was based on an Athenian model, a doubtful claim presumably designed to appeal to the jurors' parochialism (80). The inscription specifies certain cities that will be made inviolable for their loyalty (Athens, Sparta, and Plataea) or punished for their Medism (Thebes). Lycurgus' version omits these names, perhaps to avoid a conflict with the contemporary political situation in which Thebes was an ally. He may also have sought to downplay the traditional notion of retributive justice in favour of something more abstract and idealized.[41]

If the oath had a fixed form and was well known (cf. 76) it is not very likely that Lycurgus actually tampered with it. However, it seems to have existed in different versions. The inscription dates to the mid-4th century and does not itself seem to reflect the original accurately, as it omits a widely attested clause forbidding the rebuilding of the temples destroyed by the Persians, presumably because the Athenians had not upheld it.[42] The version that Lycurgus cites has its own literary tradition. It also appears in Diodorus, presumably drawing on Ephorus, who was himself perhaps influenced by the similar oath that

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The burst of "second voices" three quarters through is especially conspicuous in five cases: Aes. 3.187–190; Dem. 21.164–174, 23.151–183, 24.149–151; Din. 1.78–83.

39 Fisher 2001: 125.

40 Lyc. 1.81 ~ Tod *GHI* 2, 306–307, no. 204.

41 Cf. Allen 2000.

42 The exact occasion varies (Isoc. 4.156; Lyc. 1.81; Diod. 11.29.2–3; Cic. *de Rep.* 3.9.15; Paus. 10.35.2) but it is probably genuine in view of the 30-year break in temple building after c. 480BCE (Meiggs 1972: 505–507).

Herodotus locates at Thermopylae.[43] This means that Lycurgus may not be responsible for the alterations. Nevertheless, he is responsible for preferring this particular version. If so, it may be that he uses the clerk to introduce it as a written text in order to imply the authenticity of its wording. Of course, the oath could have been inserted into the speech by an editor using Ephorus, so this example is not at all secure.

There are cases where an orator seems to alter a text without the strategic introduction of a written document, as analogy with Aeschines' treatment of the Achilles–Patroclus passages might lead us to expect. (a) I have already referred to Aeschines' quote, supposedly from *The Iliad*, that "Report came to the Host," though no such phrase is known.[44] (b) In *Against Ctesiphon* Aeschines himself recites the Eion epigram, as evidence that the Athenians never praise individuals but only the whole people (3.184–185). Jacoby argues that the last two lines are additions and that the three stanzas are out of order: the legendary archetype (Menestheus at Troy) appears last whereas he should probably come first. If so, this slight misrepresentation reverses the epigram's line of thought: instead of moving from the general and archetypal to the particular, it goes from the particular to the general and archetypal. Its "message" therefore seems to build up to include and apply to the whole Athenian *dêmos*.[45] (c) In the same speech Aeschines quotes Hesiod, *Works and Days* 240–247, as a warning against the influence of evil demagogues (3.135). He omits lines 244–245 (*oude gunaikes tiktousin, minuthousi de oikoi / Zênos phradmosunêisin Olumpiou: allote d'aute*) and alters the end of 247 from *Kronidês apoteinuto autôn* to *apotinutai europa Zeus*. These changes perhaps emphasize the universality of Zeus' justice and downplay his traditional but less attractive methods of manipulative and insidious contriving of destruction. (d) Lycurgus recites the Spartans' epigram from Thermopylae, giving *peithomenoi nomimois* instead of Herodotus' *rhêmasi peithomenoi*.[46] Regardless of which

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[43] Diod. 11.29.2–3. Hdt. 7.132.2 cf. Diod. 11.3.3; Polyb. 9.39.5.

[44] See n. 10. Note also Aeschines' quotation of Hesiod to build up the status of Report as a positive quality (see n. 9). This is misleading, as the previous three lines, which are omitted, describe her destructiveness and malice (Fisher 2001: 269). This further demonstrates his readiness to use poetic evidence deceptively but, as the legitimacy of the wording is not at issue, the use of a written text is neither here nor there.

[45] Jacoby 1945: 200–202.

[46] Lyc. 1.109 plus Strabo 9.4.16; Diod. 11.33.2; Cic. *Tusc. Disp.* 1.42. Hdt. 7.228 plus *Suda* s.v. "Leonidas".

one is correct, Lycurgus' version places stress on the primacy of law and traditional customs—"obedient to laws" rather than "persuaded by words"—supporting the patriotic and moralizing sentiments of his argument. *Rhêmata* would be less attractive to him, as it implies trite and empty phrases in popular Attic usage.[47] (e) Demosthenes slightly alters the opening line of Euripides' *Hecabe* to make the single verse grammatically complete. This ensures that its effectiveness for a listening audience is not lost.[48]

With Aeschines' treatment of the variant verses of *The Iliad* in mind, we might expect these examples to be referred to the clerk but all are recited by the orator himself. However, they are not analogous: they function to emphasize a point, whereas in *Against Timarchus* the Achilles–Patroclus passages are themselves evidence whose particular form is vital to their interpretation.

Conclusion

Aeschines' use of the clerk is not only novel but also remarkable. He presents a quintessentially oral entity—myth embodied in an epic poem—in the form of a written document read out by the clerk, in a written speech that has the fiction of being an oral performance.[49] (Indeed, the published speech was probably normally read out to a group rather than read privately.) Aeschines' referral of *The Iliad* passages to the clerk demands and excuses the use of a written text, which suggests a tactic to place his evidence and, by implication, his interpretation beyond criticism. This analysis is particularly plausible as the passages' variations are advantageous to him. Aeschines apparently sought to affirm the authenticity of his version, which is heterodox, if not beyond the scope of normal variation. The authority of the written word consists in its disassociation from the speaker, giving it the appearance of being independent and untouched. In *The Rhetoric* Aristotle makes a comment about "ancient witnesses," among whom he

[47] E.g. Pl. *Ap.* 17b; examples from comedy in Major 1996: 103–104. *Rhêmata*'s very weakness makes it an unlikely error or fabrication; cf. Page *FGE* no. 22(b).

[48] Dem. 18.267 cf. Goodwin 1901: ad loc.

[49] Isocrates' *Antidosis* is an even more bizarre combination of reality and fiction. Reflecting a real speech, this is a written tract (9), which includes passages from his other speeches as evidence, apparently read out by the clerk, Isocrates pleading his age (52ff.).

includes "poets and men of repute whose judgments are well known." He says that they are particularly useful for pronouncements on general matters as they are incorruptible.[50] Perhaps their words were less incorruptible than their names.

[50] Arist. *Rhet.* 1.15.13, 17; 1375b–1376a.

APPENDIX

The Authenticity of Aeschines' Against Timarchus

It is, of course, vital to my thesis to establish that the published *Against Timarchus* reflects the speech delivered in the trial. There is no reason why a speech could not be altered for publication, particularly if the writer's oratorical reputation or political position could be improved by so doing. Extant speeches sometimes do contain features that must have been inserted *post factum*, such as remarks about the jury's behaviour (e.g. Aes. 2.4). In this light we may regard as particularly convenient Aeschines' "anticipation" of "the general" in *Against Timarchus*, the point at which the theme of respectable homosexuality, including the example of Achilles and Patroclus, is introduced (1.117, 132ff.). It is possible that the whole section with its poetic quotes was added later, either in response to a real defense argument or to appeal to a more sophisticated literary audience.[51]

However, there is evidence that Aeschines' argument and at least some of his poetic citations are original. In *On the False Embassy* Demosthenes refers to Aeschines' prosecution of Timarchus, specifically mentioning his quote of Euripides' *Phoenix*, and both he and Aeschines refer to the appeal to Report, both quoting the same passage of Hesiod.[52] Otherwise, accepting the authenticity of the whole or parts of the published *Against Timarchus* depends on an assessment of its coherence and realism. It would not be difficult for Aeschines to anticipate that the defense would claim that homosexuality could be good, noble and desirable under at least some circumstances, or would attack Aeschines' own history of paederasty. Aeschines would have been virtually obliged to prepare an argument to distinguish between "good" and "bad" homosexuality.[53] Poetic evidence is appropriate for the theme of this part of the speech, which is essentially an exhortation to virtue. Moreover, the speech consistently maintains the fiction of authenticity,

[51] Hubbard 1998: 67–68. Ian Worthington also argues that stylistic sophistication is evidence for later reworking, though it does not amount to proof (Worthington 1996). The classic discussion is Dover 1968: 167–172.

[52] Eur. fr. 812 N: Aes. 1.152 ~ Dem. 19.245. Hes. *W&D* 763–764: Aes. 1.129 ~ Dem. 19.243, Aes. 2.144. It is possible that Demosthenes and Aeschines are both working from the published version of *Against Timarchus* but it is simpler and just as reasonable to assume that the quotes were, in fact, used in the trial.

[53] Aes. 1.135ff. cf. 3.216. Van der Walk 1968. Cf. Fisher 2001: 59.

as indeed do all published speeches, including those that cannot have been delivered. Any changes were presumably intended to improve its technical qualities and persuasiveness. A published speech would be little use as a rhetorical model or an advertisement for the speechwriter's skills if it resorted to implausible tactics. Citing poetry and referring it to the clerk must have been conceivable. In the absence of evidence to the contrary, I accept that *Against Timarchus* is an authentic representation of the actual speech, even if it is not an exact reproduction.

As important, for my purposes, is whether the quotes from *The Iliad* with their peculiar verses are genuine and original to the speech. Orators may not have bothered to write documents into their own speeches, leaving later editors with a gap that they often felt should be filled. Laws and testimonies are almost certainly late insertions. However, there is no positive evidence that the poetic quotes are not original: there are no obvious anachronisms in vocabulary, and Aeschines' interpretations follow the quoted lines fairly closely. The quotes appear in manuscripts as far back as we can tell. A scholion on *The Iliad* 23.77, attributed to Didymus, refers to an alternative reading to the vulgate's *ou men gar*: *ou gar eti*, found "in some of the politicians" (*en tisi tôn politikôn*). It is hard to imagine that this does not refer to *Against Timarchus*, at least as it was available in the 1st century BCE.[54] The arguments adduced to reject the speech's laws and testimonies do not apply to its poetry. The former only appear in the latest family of manuscripts, whereas the poetic quotes are in all of them. In the manuscripts where laws and testimonies do appear, there are none after chapter 68, though they are also required at 100, 104, and 115. Presumably the ancient editor gave up at this point. The poetic quotes, however, occur later, between 128–152.[55] The quotes seem to predate the text's stichometry as well, which, again, the laws and decrees do not.

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[54] Haslam (1997: 76) and Dué (2001: 41) understand this phrase to refer to *The Iliad*'s so-called "city texts".
[55] Cf. Fisher 2001: 68 and Diller 1979: 36.

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ORALITY AND THE POLITICS OF ROMAN PEACEMAKING[1]

L.T. Zollschan

Cedant arma togae, concedat laurae linguae.

(Cic. de officiis 1. 77.)

More than any other form of diplomacy the movement from a state of belligerency to one of peace requires confidence that agreements once made will be binding on both parties and lead to compliance. Agreements to end hostilities are not infrequently fraught with questions of confidence in the other side to uphold some or even any agreements. In our own times, we rely on lengthy written, signed documents, which in their detail attempt to provide for every future contingency. One need only recall the recently failed attempt to end hostilities on the divided island of Cyprus based on the Annan Plan which ran to some 9,000 pages.[2]

By contrast, the Romans in matters as important as peace-making relied on oral procedures to cement agreements with former enemies. Before we condemn the Romans as overly naive in their approach to peace making, we need to understand the role played by orality in the ceremonial procedures that sealed peace-making agreements.

Politics entered into these orally formed agreements with a struggle between the senate and the commander in the field over who had the power to make decisions on war and peace. The senate came to the realization that its exclusive control of foreign policy had been weakened. By the second century BCE the senate resolved to dispense with the diplomatic powers of the military commander.[3] What had caused the senate's loss of power? The answer may lie in orality, and its part-

[1] I would like to thank Dr. Rochelle Altman for kindly reading an earlier draft of this paper and for her much appreciated comments.

[2] The full text of the Annan Plan for Cyprus may be viewed at www.cyprus-un-plan.org/Annan_Plan_Text1.html.

[3] The peace that ended the Hannibalic War was ratified by the senate and the people: Polyb. 15.1.3,9,11.

ner, aurality. The old methods of moving from a state of belligerency to one of peace had given the battlefield general too much control. His *imperium* ("military command") was unchecked by the senate in Rome. The general bound a former enemy with orally created agreements that involved divine participation, by calling on the gods to hear the solemn promises made. As the Romans considered that the gods intervened in their affairs on earth and punished those who did not keep their oaths,[4] they called on the gods to hear them. The maintenance of the *pax deorum* was vital to the state.[5] How to undo the arrangements made by generals in the field posed a problem for the senate.

A general's *imperium* gave him the power to conclude a truce through a *sponsio* ("solemn promise").[6] A general also had the power to conduct the ceremony of *deditio* or unconditional surrender, without communicating with Rome.[7]

The *sponsio* was an oral promise to abide by the terms of a truce that was sealed by an oath.[8] It appears for the first time as a legal term in the truce made by the Romans at the Caudine Forks.[9] At issue was how the senate could renege on a *sponsio* in order to recommence hostilities without committing sacrilege. The central question was whether only those who uttered the words or the whole Roman people were bound by a *sponsio*.[10] The onus was on the general because of his personal oath and the senate reserved its right to reject any promise made by him of a *foedus* ("treaty") in the future.[11] A *sponsio* was sealed by asking the question, *Pacem futuram spondes-ne?* ("Do you promise solemnly that there will be peace?") To which the reply was *spondeo* ("I solemnly prom-

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[4] See Livy 1.21.1.

[5] Plaut. *Poen.* 253; Lucr. 5.1229; Livy 3.5.14; Verg. *Aen.* 3.369–373. For the role of *pax deorum* in the state see Sordi 1985: 146–147.

[6] The term *indutiae* is attested in this sense from the imperial period. See De Martino 1973: 2.63–68.

[7] Täubler 1913: 16.

[8] For the oath in a *sponsio* see Appian, *The Samnite History* 4.6.

[9] Considered a falsification of the annalists by Nissen 1870: 1–65; Neumann 1904: col. 2823; De Sanctis 1923: 2. 313ff.; Niese 1897: 70; Salmon 1929: 12–18; Païs 1927: 5.140ff.; Magdelain 1943: 81, 91.

[10] In the modern literature, opinion too is divided as to whether the *sponsio* bound the Roman people or only the one who made the promise. That the Roman people were bound: Ziegler 1972: 93. That only the man who said the words was bound: Crawford 1973: 1.

[11] That the *sponsio* involved both an oath and a sacrifice see Virgil, *Aen.* 9.296 and Magdelain 1943: 13 and 84 for the promise of a treaty at a later date.

ise").[12] The Romans considered that those who heard the words were bound to obey. The words *dicto sum audiens* were originally a pleonasm for "I obey". The expression in this sense is found in Plautus, Cicero, and Livy.[13]

In Roman civil law, there is found also a preference for cementing obligations through orality rather than writing. This is exemplified in the oral contract or *stipulatio*,[14] which was considered valid without writing and without witnesses.[15] The spoken words put the parties under an obligation to each other.[16] To the Romans, a man's word was his bond, a precept that they bequeathed to the modern world.[17] The *stipulatio* had to be in the form of a question that called for an immediate response employing the same verb.[18] These highly stylized grammatical forms served to ensure that there could be no doubt that there was a genuine intention to promise.[19] The use of the same verb showed that a consensus had been reached.[20]

In these orally sealed undertakings, both parties had to be physically present and, because hearing was indispensable to the transaction, according to Gaius, *Institutiones* 3.10.5, they could not be hearing-

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[12] For the form *Pacem futuram spondes?* see Gaius, *Institutiones* 3.94. In Ulpian's Digest there are recorded some 85 examples of *spondesne-spondeo*. See Nicholas (1953) 78.

[13] Plaut. *Persa* 3.1.71; *Trinummus* 4.3.55; *Asinaria* 3.1.40; *Menaechmi* 2.3.89; Cic. *In Verrem* 2.1.44 [144]; Livy 1.41.5; 4.26.9; 5.3.8; 29.20.11; 41.10.7.

[14] The *stipulatio* is similar in form to the *sponsio* and *deditio*. I would suggest that, as in many aspects of Roman foreign diplomacy, concepts in the domestic sphere were extended into international relations. So orally made agreements were extensions of the procedure in the *stipulatio* and were of equal antiquity. In other words, I see the *sponsio* and *deditio* as developing in parallel to the *stipulatio* and not growing or developing out of the *stipulatio*. Kaser 1949: 264. The *stipulatio* was widely used for borrowing money, contracts of sale, and rental contracts. In this oral contract, a question and answer sealed the agreement.

[15] The *stipulatio* was of great antiquity and was well established by the time of the codification of the XII Tables c. 450BCE: Gaius, *Institutiones* 4.17a. In Cicero's time, the *stipulatio* still had to be spoken to be legally valid. The terms or *cautio* might be written down but this record served as an aide-memoir and when needed could be evidentiary. See Nicholas 1953: 235. It continued in use through the imperial period.

[16] Gaius, *Institutiones* 3.149 & 169. See Arangio-Ruiz 1962: 197–199.

[17] Roman idea that a man's word was his bond: Cic. *Tusc.* 3.2.3ff.; Ovid, *Met.* 3.527. For the modern concept see Tennyson, *Guinevere*, 1. 465: "To honour his own word as if his God's."

[18] Nicholas 1953: 66–69. Cf. Watson 1971: 118, n. 1.

[19] Jackson 2000: 43.

[20] Example of the exact correspondence of the verb in Plautus, *Bacchides* 881–882 where an oral contract is given: *Ducentos nummos aureos Philippos probos dabin?* To which the answer is *dabo*. On consensus see Schulz 1951: 475.

impaired. The questions were framed so that Rome's dominance was apparent. The Romans asked the questions to which they expected an immediate reply.[21] The questions had a coercive effect because the ending *-ne* in early Latin required an answer in the affirmative.[22] Question and response imposed a unilateral duty on the promisor. There was a psychological force behind the type of bond made in a question and answer format.[23] An oral promise was made in the presence of the other party and, for the Romans, this formed a much more binding promise than one made in writing.[24]

Back in Rome, agreements made in ceremonies conducted by individual generals were considered threatening to the power of the senate to control foreign policy[25] and the senate reserved the right to decide whether to endorse them.[26] To repudiate them was problematic because a vow had been made. The gods had heard the solemn vow in the *sponsio* of the general.[27] In effect, to renege on the *sponsio* would be a *scelus impium* (Livy 9.10.9), "a crime against the gods" (or if we take the Sanskrit origin from the word *skhal* into account, it would mean "deceiving the gods").[28] Such a crime required expiation.[29] The senate might repudiate a *sponsio* but a remedy was required to atone for deceiving the gods.

The remedy at hand was to turn the general who had made the binding truce over to the other party. This meant he was to be the sacrifice, the *deuotio*, to be consecrated to the infernal gods. He was to be the instrument of purification, a *piaculum*, to atone for any religious

[21] For a general expectation of a reply see Minchin 2004: 24.

[22] Gildersleeve and Lodge 1963: §454–445, 292.

[23] Schulz 1951: 474.

[24] A written document, on the other hand, could be seen and not fully read before being signed. There would be no effective guarantee that the one who signed had fully understood the nature of the document to which he had affixed his signature. See Schulz 1951: 474. In all, the orally given undertaking presented less opportunity for misunderstanding and asserted the dominance of the party that asked the questions. For the dominance of Rome in the oral *scriptio* of *deditio*: Flufl 1969: 2.

[25] Mommsen, *Röm. Str.* III, 2, 1167–1168.

[26] Legal right to repudiate: Astin 1967: 132 and n. 3.

[27] The *sponsio* was regarded as being a solemn pledge before the gods. In *De Legibus* (2.41) Cicero says: *sponsio, qua obligamur deo*. That the problem was religious: Cic. *Caecin.* 98; Livy *Ep.* 56; Plut. *T. Gracch.* 7.2.

[28] Lewis and Short 1966: s.v. scelus, 1640.

[29] Livy 9.10.4; De Visscher 1946: 88.

crime involved in reneging on a *sponsio*.[30] The enemy, in this case the Samnites, for their part, considered the *sponsio* had bound, not the individual, but the entire Roman people. For them, the handing over of a Roman general simply constituted a legal artifice.[31] Three times the historical record shows that the enemy rejected the proffered generals: the Samnites in 320 BCE, the Corsicans in 236, and the Numantines in 136 BCE.[32]

The second important diplomatic instrument that was in the hands of the general was *deditio* ("unconditional surrender"). Livy records its ceremony in Book 1.38.1–2:

> "Estisne uos legati oratoresque missi a populo Collatino ut uos populumque Collatinum dederetis?"—"Sumus."—"Estne populus Collatinus in sua potestate?"—"Est."—"Deditisne uos populumqueCollatinum, urbem, agros, aquam, terminos, delubra, utensilia, diuina humanaque omnia, in meam populique Romano dicionem?" "Dedimus."—"At ego recipio".

> "Are you the legates and spokesmen sent by the people of Collatia to surrender yourselves and the people of Collatia?" "We are." "Is the people of Collatia its own master?" "It is." "Do you surrender yourselves and the people of Collatia, city, lands, water, boundary marks, shrines, utensils and all possessions, divine and human, into my power and that of the Roman people?" "We do." "I receive the surrender."

Here the ritual follows the same oral pattern of question and response.[33] When the Roman general proclaimed *at ego recipio*, his words constituted the formative act that brought about the *deditio*. The general proclaimed orally that he was bound to offer the enemy military protection.[34] The community was bound by their representatives to give up their community in its entirety. An oral transaction meant that both sides had heard and both were bound to adhere to their respective parts of the agreement.

These question and answer ceremonies lose their importance by the second century BCE. The senate increasingly began to replace question and response agreements with a different type of diplomatic

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[30] See Michel 1980: 685–687. On *deuotio* see Dumézil 1974: 103–105, 149–150 and 239. On *piaculum* see De Visscher 1947: 114ff.

[31] Livy 9.11.1–5, 10–13.

[32] Corsicans: Val. Max. 6.3.3; Dio, fr. 45 and Numantines: Val. Max. 2.7.1; App. *Hisp.*80, 83; Orosius 5.4.20; Plut. *T. Gracch.* 7; Cic. *de or.* 1.181, 218.

[33] Nörr 1989: 19–20.

[34] Caes. *B. Gall.* 2.15.1; Freyburger 1986: 144; Eckstein, 1995: 276–277, n. 16.

instrument. The new type was unilateral, not bilateral. The senate asserted its authority over the conduct of foreign affairs by issuing senatorial decrees instead.

For the settlement of the peace, the senatorial declaration comes into its own in this period. The senate is no longer bound, only the recipient. The role of the general is confined merely to reading out the senatorial decree sent from Rome.

The best known type of senatorial decree is the declaration of *libertas* ("freedom"). The Roman general announced this face to face before the assembled community. The declaration of the freedom of the Greeks, for example, was announced by a herald in 196 BCE to a full stadium at the Isthmian Games.[35] To other regions, such as, Bargylia and Hephaestia the senate sent commissioners to make the announcement of their declarations of freedom.[36] The declaration of *libertas* for Macedonia[37] was read out to an assembly of ten leading men from each Macedonian city and the freedom of Illyria was also announced before a gathering of chiefs (Livy 45.26.11).

In the older oral procedures, such as, the *sponsio* or *deditio*, the orality and aurality in the ceremony bound both the senate and the former enemy. The senate wanted some maneuverability to be able to repudiate its declarations in line with changing conditions and it no longer wanted to be bound permanently. In its freedom declarations, the Roman senate imposed its conditions without the need for any response. There is some evidence that the public reading was intended to bind those being freed.

Technically the senate could revoke its decree but *libertas* was not easily lost. My researches into "life after *libertas*" have shown that the senate exercised the prerogative to revoke it only in the case of the most serious breach of loyalty to Rome. The overriding majority of freed cities held on to that status and only in the cases of gross treachery towards Rome was *libertas* revoked. Most commonly, freedom was removed from a freed city after it had gone over to an enemy. Thus, when the city of Mytilene handed Roman citizens bound in chains over to Mithridates, the city lost its free status (Velleius Paterculus 2.18.3).

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[35] Polyb. 18.46.4–5; Livy 33.32.5; Plut. *Flam.* 10.4; 12.2; App. *Mac.* 9.4.

[36] Livy 33.35.2. When a place that was to be freed lay within the territory of a monarch, then a letter was sent instructing the king to affect the liberation. An illustration of this, is the letter the Romans sent to King Prusias requesting that the city of Kios be freed. See Livy 33.30.4.

[37] See Zollschan 2002: 169–194.

There is some evidence that the reading in public was performed so that those who heard were bound. To understand who was bound by the oral reading in public of the senatorial declaration we should look not to the Romans, but to the other party. Here may lie an explanation for the senate's practice of making the announcement before a representative group. We have seen above that listening to the terms bound those who heard to obey. Could the Romans have considered that the community and its representatives that heard the reading of a declaration of *libertas* were bound? If so, what promises were the community making to Rome? Polybius, Livy, and Trogus all use the same terminology when speaking of the expectations of the Romans towards those they had freed.[38] Freedom was a gift that required indebtedness to the donor.[39] It would seem that the declaration was read out to bind the community in gratitude to Rome so that from that moment on they would be loyal allies. The proclamation was the act that brought the condition of *libertas* into being. In the second century BCE, freedom declarations were voted by the senate frequently. Indeed, from 196–165 BCE over 30 such declarations were made.[40]

Less well known is another type of declaration—the declaration of *societas* ("military alliance"). It was isolated by Kienast who coined the term *societas sine foedere* ("military alliance without a treaty") for it or the "treaty-less alliance."[41] There was a two step process: the first step was a declaration of allied status by Rome and the second step was placement on the register of allies in Rome called the *formula sociorum* ("list of allies"). Its purpose was to expand Roman sway while at the same time exacting military and material aid. Although those who became treaty-less allies of Rome forfeited their own independent foreign policy, they did retain their own statehood, territory, laws, organs of state, and citizen rights. They were quasi-autonomous allies of Rome.[42] The one-sided declaration of *societas* by Rome made possible diplomatic relations with a city that was within the sphere of influence of another power.[43]

The declarations of *libertas* and *societas* proved convenient replacements for the treaty or *foedus*. The *foedus* was permanent and inviolable.

[38] Livy 34.49.11; 35.31.8; Just. *Epit.* 38.2.6; 5.9.
[39] Storm 1992: 65–86.
[40] Zollschan 2002: 189–191.
[41] Kienast 1968: 348, 350.
[42] Kienast 1968: 350.
[43] Kienast 1968: 357.

In this, it had the same drawbacks as the *sponsio*. The Roman state treaty was sealed by oaths to Jupiter and was subject to *iussus populi*, that is, ratification by the people. By contrast, declarations were totally at the discretion of the senate. The senators could vote to support the petitions of foreign envoys and by a simple vote the alliance came into immediate effect.

When two Jewish envoys arrived in Rome in 161/0 BCE seeking military aid for their rebellion, their mission was urgent. A fresh invasion from Syria was expected and the situation of the Jews called for a quick response from Rome. A declaration of *societas* was the ideal solution. A *foedus* would have taken too long to conclude.

When foreign envoys addressed the senate in person, they were not permitted to be present in the chamber during its deliberations and the vote. The envoys had to wait outside the *curia* ("the senate house").[44] From this position, it was difficult to hear anything of the deliberations of the senators within the building (Livy 42.14.1). A senator came out to tell the envoys what decision had been reached. Declarations of *libertas* or *societas* were not committed to writing and the envoys would have had to remember what had been announced to them outside the senate and later commit it to writing. In my study of the first formal diplomatic relations between Rome and the Jews,[45] I was struck by signs of oral composition in the account in I Maccabees chapter 8 verses 23–32. For the reader's convenience, I reproduce the text in Greek with translation:[46]

> [23]Καλῶς γένοιτο Ῥωμαίοις καὶ τῷ ἔθνει Ἰουδαίων ἐν τῇ θαλάσσῃ καὶ
> ἐπὶ τῆς ξηρᾶς εἰς τὸν αἰῶνα, καὶ ῥομφαία καὶ ἐχθρὸς μακρυνθείη ἀπ'
> αὐτῶν. [24]ἐὰν δὲ ἐνστῇ πόλεμος Ῥώμῃ προτέρᾳ ἢ πᾶσι τοῖς συμμάχοις
> αὐτῶν ἐν πάσῃ κυρίᾳ αὐτῶν, [25]συμμαχήσει τὸ ἔθνος τῶν Ἰουδαίων, ὡς
> ἂν ὁ καιρὸς ὑπογράφῃ αὐτοῖς, καρδίᾳ πλήρει. [26]καὶ τοῖς πολεμοῦσιν οὐ
> δώσουσιν οὐδὲ ἐπαρκέσουσι σῖτον, ὅπλα, ἀργύριον, πλοῖα, ὡς ἔδοξε Ῥώμῃ,
> καὶ φυλάξονται τὰ φυλάγματα αὐτῶν οὐθὲν λαβόντες. [27]κατὰ τὰ αὐτὰ δὲ
> ἐὰν ἔθνει Ἰουδαίων συμβῇ προτέροις πόλεμος, συμμαχήσουσιν οἱ Ῥωμαῖοι
> ἐκ ψυχῆς, ὡς ἂν αὐτοῖς ὁ καιρὸς ὑπογράφῃ. [28]καὶ τοῖς συμμαχοῦσιν οὐ
> δοθήσεται σῖτος, ὅπλα, ἀργύριον, πλοῖα, ὡς ἔδοξε Ῥώμῃ, καὶ φυλάξονται
> τὰ φυλάγματα ταῦτα καὶ οὐ μετὰ δόλου. [29]κατὰ τοὺς λόγους τούτους
> οὕτως ἔστησαν Ῥωμαῖοι τῷ δήμῳ τῶν Ἰουδαίων. [30]ἐὰν δὲ μετὰ τοὺς λόγους
> τούτους βουλεύσωνται οὗτοι και οὗτοι προσθεῖναι ἢ ἀφελεῖν, ποιήσονται ἐξ
> αἱρέσεως αὐτῶν, καὶ ὃ ἐὰν προσθῶσιν ἢ ἀφέλωσιν, ἔσται κύρια. [31]καὶ περὶ

[44] Mommsen, *Röm. Str.* III, 961, n. 1; III, 2. 1014; Täubler 1913: 248.
[45] Zollschan 2005b: chapter 6.
[46] Text according to Kappler 1936: 98–99.

τῶν κακῶν, ὧν ὁ βασιλεὺς Δημήτριος συντελεῖται εἰς αὐτούς, ἐγράψαμεν αὐτῷ λέγοντες Διὰ τί ἐβάρυνας τὸν ζυγόν σου ἐπὶ τοὺς φίλους ἡμῶν τοὺς συμμάχους Ἰουδαίους; [32]ἐὰν οὖν ἔτι ἐντύχωσι κατὰ σοῦ, ποιήσομεν αὐτοῖς τὴν κρίσιν καὶ πολεμήσομέν σε διὰ τῆς θαλάσσης καὶ διὰ τῆς ξηρᾶς.

[23]May it be well with the Romans and the Jewish nation, on sea and land forever. May both the sword and enemy be far from them. [24]If, however, war shall be declared against Rome first, or against any of their allies, in any of their domains, [25]the Jewish nation will be expected to fight at their side as allies, as the occasion shall dictate to them, wholeheartedly. [26] To those who start the war, they shall neither give nor supply grain, arms, money, or ships, as Rome shall decide. They shall keep their stipulations without receiving anything in return. [27]On these same conditions, if war falls to the lot of the Jewish nation first, the Romans will assist as allies faithfully, as occasion shall dictate. [28]No grain, arms, money or ships shall be given to the allies as Rome shall decide. They shall keep these stipulations without deceit. [29]Thus on these conditions the Romans have established a compact with the Jewish people. [30]If hereinafter either party shall decide to add or to subtract therefrom, they shall do so of their own volition, and whatsoever they add to or subtract therefrom shall be valid. [31]Moreover concerning the atrocities which King Demetrius is perpetrating against you, we have written to him saying, "Why have you made your yoke heavy upon our friends and allies the Jews? [32]If they again appeal to us against you, we will demand satisfaction for them, and will make war upon you by sea and land."[47]

Indications one might expect to find in texts based on oral register have been set out by Gagarin.[48] Some of these indicators that are applicable to this text are signposts, ring composition, parallelism, parataxis, and traditional forms of expression.

Signposts may be defined as markers that allow the audience to follow the flow of the text. In IMacc. 8.23–32 there are two types of signposts. The first signpost is the way that the phrase used to introduce chapter 8 is repeated at the beginning of chapter 9 immediately following verse 32 of chapter 8. Chapter 8 commences with "Now Judas had heard" (καὶ ἤκουσεν Ἰούδας) and chapter 9 with "Now Demetrius had heard" (καὶ ἤκουσε Δημήτριος). This type of signpost frames chapter 8 and defines it as a discrete unit. The second form of signpost is the repetition of a keyword, which will be discussed below.

[47] Translation according to Zeitlin 1950: 151, 153.
[48] Gagarin 1999: 168–173. Foley considers these features as indicators of oral register in general. See Foley 1999: 21.

Ring composition shows itself in multiple rings. There is anaphoric ring composition in which an outer *inclusio* or envelope structure[49] opens and closes this piece of text. The *inclusio* is closely associated with oral discourse.[50] In verses 23 and 32 there is a lexical repetition, the recurrence of the same words where such exact repetition draws one's attention and is unusual.[51] In verse 23 is found ἐν τῇ θαλάσσῃ καὶ ἐπὶ τῆς ξηρᾶς ("on sea and on land") and in verse 32 the last words are διὰ τῆς θαλάσσης καὶ διὰ τῆς ξηρᾶς ("on sea and on land"). We can see that the repeated phrase was not interpolated into the end of chapter 8 from its position in the Codex Sinaiticus. On leaf 24 verso we find on the last line: [θα]λασσης και δια της. The first line on leaf 25 recto reads: θαλασσης και δι.

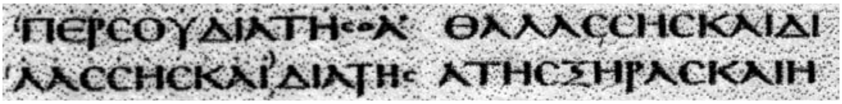

Fig. 1. IMacc. 8.32 from the Codex Sinaiticus p. 24 verso and p. 25 recto

This is not a dittograph, an error on the part of a scribe, but is a catch line. The purpose of the catch line was to maintain the correct sequence of the leaves. This was especially important when different scribes wrote different leaves. Leaves 24 and 25 were written by two different hands as indicated by the different shape of the alpha, kappa, and, upsilon. New paragraphs were indicated by writing the first letter slightly extended into the left margin.[52] The first verse of chapter 9 continues after the end of verse 32 of chapter 8 and there is no new paragraph indicated in the manuscript to divide what we call chapter 8 from chapter 9.[53] It would be difficult to consider that the words διὰ τῆς θαλάσσης καὶ διὰ τῆς ξηρᾶς ("on sea and on land") had been interpolated into the text.

[49] The term "envelope structure" was first proposed by Moulton 1899: 56–58, 65–66. This framing device is also called "inclusion". See McCarthy 1966: 138.
[50] Lundbom 1996: 315.
[51] Walsh 2001: 9.
[52] Metzger 1981: 32.
[53] The current divisions of the Biblical text into chapters was made by Stephen Langton, Archbishop of Canterbury in the thirteenth century; whereas the verse divisions were standardized in the tenth century. See Dorsey 1999: 18.

Additionally, there are several inner envelopes. In verses 24 and 30, there appears the repetition of κυρίᾳ which frames the actual content of the military agreement. Next, there is the repetition of διά that opens and closes the letter to Demetrius in verses 31 and 32. Another internal *inclusio* organizes the middle of the document with the repetition of φυλάξονται τὰ φυλάγματα first occurring in verse 26 and repeated in verse 28. This phrase encloses important content—the terms specifying exactly what the Roman obligation is to the Jews in time of war. In verses 31 and 32 σου … σου encloses another important statement, namely, that the Jews are now the allies of the Romans. These internal inclusions frame and therefore emphasize the most significant content of the text, significant in terms of the outcome of the Jewish embassy to the senate.

Another of Gagarin's characteristics is parallelism. The document opens with a fine example. In verse 23 καλῶς γένοιτο Ῥωμαίοις καὶ τῷ ἔθνει Ἰουδαίων ("May it be well with the Romans and the Jewish nation") is echoed in καὶ ῥομφαία καὶ ἐχθρὸς μακρυνθείη ἀπ' αὐτῶν ("May both sword and enemy be far from them").

Parataxis may be seen in the use of καί as the main method of connecting clauses and in the use of the participle λέγοντες ("saying") to introduce the letter to Demetrius.[54]

Traditional forms of expression are signs of oral material. This passage abounds in them and they would have been readily noticeable to anyone who knew the Bible. The expression "on sea and land" (ἐν τῇ θαλάσσῃ καὶ ἐπὶ τῆς ξηρᾶς) in verses 23 and 32 is found in the LXX (Ex. 14.16; 14.22; Ps. 65.6); whereas the Greeks and Romans usually preferred to say "on land and sea." Using the sword (ῥομφαία), as a metaphor for war in verse 23 is found throughout Kings, Chronicles, and the prophets.[55] Καρδίᾳ πλήρει in verse 25 is Biblical[56] as is φυλάξονται τὰ φυλάγματα in verses 26 and 28,[57] οὐθὲν λαβόντες in verse 26,[58] and ἐκ ψυχῆς in verse 27.[59] For two Jewish envoys, these Biblical phrases

[54] The use of καί throughout the First Book of Maccabees in this manner may be indicative of the author's style. See Gehman 1951: 81–82. See also Liddell and Scott 1996: s.v. καί B.3 "a Hebraism," 837.

[55] LXX IK 15.33; IIK.2.26; 12.10; IIChr. 20.9; Ps. 21.20; Jer. 4.10; Ho. 2.20; 11.6; Amos 1.11; 7.9; Na 2.13; 3.15; Ezek. 5.17; 6.3, 8; 11.8;12.16; 21.9; 29.8; 33.2–6.

[56] LXX 4Kg. 20.3; IIChr. 16.9; 19.9; 25.2; IEs. 1.23; Si. 25.13.

[57] LXX Lev. 22.9; Deut. 8.35; 22.9; Mal. 3.14.

[58] LXX Ps. 14.5.

[59] LXX Deut. 4.29; 6.5; 10.12; Isa. 42.25; Ps. 26.5; 36.15. Not found in IMaccabees outside chapter 8.

comprised their traditional forms of expression; such phrases would be unknown to a Roman.

In addition, there are numerous signs that this text was committed to memory.[60] Memorized texts have a mnemonic structure.[61] The mnemonics influence composition even determining the syntax.[62] The hearer is concerned to produce the content at the expense of the syntax of the original and uses phrase boundaries or markers to divide the text into chunks that can be more easily memorized.[63] A text to be memorized had to be bound together in the correct order. The art of memorizing so that every word was placed in the right order in which it had been spoken, was an art practiced widely. The Greek system of mnemonics survives in a treatise *De Memoria et Reminiscentia* (*On Memory and Recall*) attributed to Aristotle.[64] It is known that mnemonic techniques were used in Jewish education.[65] Educated Jews had been taught to make a literal repetition[66] from memory of their teacher's words.[67] Aural reception of material was the first stage in internalizing material to be learnt.[68] The envoys to Rome, Jason and Eupolemus, had to return with their own record and to present a report on their mission. Josephus notes that (*Antiquities* 12.419) the two envoys themselves wrote the alliance document.

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[60] One hint in the document may be a play on words in verse 25 where καρδία ("heart") was used to refer to committing something to memory as in Prov. 3.1–3; 7.3 and Jer. 31.11. See Small 1997: 135–136.

[61] Ong 1982: 34.

[62] Havelock 1963: 87–96, 131–132, 294–296.

[63] Bradshaw 1981: 304–305.

[64] For a history of the text and its dating see Sorabji 1972: 63–64 with references. Later evidence for this type of training may be found in the first century BCE Roman tractate *Ad Herennium*. Memorizing words in their correct order was *memoria uerborum*. See Yates 1966: 24.

[65] Gerhardsson (1961: 153) has shown that a סימן (siman) was a mnemonic sign, equivalent to the Greek σημεῖον. Students were taught to memorize using the principle of associating an idea with a concrete object. See Gerharsson 1961: 149 citing as an example Isa. 40–55. The mnemonic of the acrostic pattern is found in several Psalms, for example, Psalms 9, 10, 25, 34, 37, 111, 119, 145. See Gerhardsson 1961: 150. Rav Chisda, the head of the Babylonian academy at Sura said that "The Law can be acquired only through mnemonics": Talmud, Eruvin 54b. See Zlotnick 1988: 71.

[66] Gerhardsson 1961: 130–131.

[67] Talmud, Avod. Zar. 19a. When Josephus looked back on his own education, he took pride in his reputation for an excellent memory: Jos. *Vita* 2: μνήμῃ … διαφέρειν. The Sages said that students had to master oral mnemonics so that the oral tradition could be retained and passed on with precision: Talmud, Eruvin 53a.

[68] Talmon 1991: 156.

After receiving the information aurally, mnemonic devices would be used to organize the information newly taken into the memory in a way that would facilitate its recall. In this circumstance, organizational mnemonics would have been used that encompassed such techniques as peg words and link words.[69] To achieve recall of information in the correct order, various cohesion strategies were used.[70] One such cohesion strategy is the use of a keyword.[71] The repetition of the keyword provides structure that holds the main elements of the text together.[72] This was a device practiced by the Romans. Quintilian advocated the use of a keyword as a mnemonic device to aid memory recovery. He recommended dividing the text into sections each one marked with the word one has chosen for oneself as the keyword.[73]

Yet, a keyword alone was not sufficient for the accurate recall of blocks of text in the correct sequence. To achieve this required an internal count by using markers: that is to say, a marker or check word appears × number of times to show that a keyword should also appear × number of times.[74]

The keyword in I Maccabees 8.23–32 is the name of the people of the Jews, Ἰουδαίων and the word αὐτῶν is the check word to make an internal count. In this position, the number of repetitions of the check word serves to indicate how many times the keyword should appear. The check word, αὐτῶν appears three times so the key word Ἰουδαίων is expected three times in the rest of the passage. The sequence proceeds as follows:

v. 23	Ἰουδαίων	indicates this will be the keyword
vv. 23–24	αὐτῶν	this is the check word that marks how many times the keyword will appear
v. 25	Ἰουδαίων	
v. 26	αὐτῶν	
v. 27	Ἰουδαίων	
v. 28	–	check word missing
v. 29	Ἰουδαίων	
v. 30	αὐτῶν	

69 On organizational mnemonics see Belleza 1987: 35.
70 On cohesion strategies see Dorsey 1999: 23–24.
71 Gerhardsson 1961: 146–147.
72 For literature on keyword see Dorsey 1999: 24 n. 23.
73 Quint. *Inst.* 11.2.19 as cited in Carruthers 1990: 107.
74 See the use of the peg word by Aristotle in Small 1997: 89–93.

The fact that the check word would be expected in verse 28 but is missing is an indication that the text has been tampered with or is corrupt at this point. Verse 28 has presented difficulties for scholars. The reading συμμαχοῦσιν is against the sense of the passage and Täubler considered it should be emended to πολεμοῦσιν.[75] The Codex Sinaiticus indicates that there is a problem with the text at this point by writing:

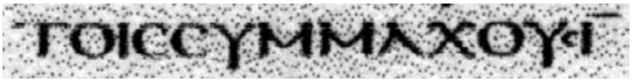

Fig. 2. IMacc. 8.28 from the Codex Sinaiticus p. 24 verso

The vertical stroke indicates that something is missing. The manuscript of the codex has many other places where this vertical stroke occurs with a correction in the margin showing the missing letters in the cases where the letters were known.[76] In the line in question, no letters appear in the margin. In the above line of the manuscript a horizontal stroke also appears and this is used to indicate the presence of a letter, a final nu.[77] I would suggest that the check word, αὐτῶν is missing.

Blocks of text are introduced by the keyword Ἰουδαίων and end with αὐτῶν.[78] We can see that one block runs from verse 23 to verse 24 and the next block from verse 25–26. Another block starts at verse 27 with ἔθνει Ἰουδαίων and finishes at the point where the text is incomplete at συμμαχοῦσιν. The next block covers verses 29–30 starting with Ἰουδαίων and ends at αὐτῶν. Another block extends from verse 30 to verse 31 from καὶ ὃ ἐὰν προσθῶσιν to εἰς αὐτούς.

Attention should be drawn to the change in the keyword when it appears in the letter to Demetrius. This letter is linked to the alliance text above it by the phrase διὰ τῆς θαλάσσης καὶ διὰ τῆς ξηρᾶς and by the use of the keyword. Then the marker changes to the accusative case, αὐτούς in verse 31 to indicate that the keyword that will follow in the same verse is not in the genitive but in the accusative, Ἰου-

[75] See for example Täubler 1913: 246.
[76] See the sample page displayed on the British Library website: www.imagesonline.bl.uk/britishlibrary.
[77] Metzger 1981: 29.
[78] The keyword marks off separate units of text. See Porten, 1967: 95.

δαίους. Changes in the key word indicate a change in emphasis.[79] In verses 31 and 32, the focus of the narrative has shifted from Rome to Syria.

A separate mnemonic technique was used to keep passages with repeated sections in the correct sequence.[80] In verse 26 is found ὡς ἔδοξε Ῥώμῃ καὶ φυλάξονται τὰ φυλάγματα αὐτῶν οὐθὲν λαβόντες and in verse 28 ὡς ἔδοξε Ῥώμῃ καὶ φυλάξονται τὰ φυλάγματα ταῦτα καὶ οὐ μετὰ δόλου. The repetition is not parallelism, as the words are mostly repeated verbatim. The repeated sentence has three parts. The first part is ὡς ἔδοξε Ῥώμῃ which is repeated unaltered. The second part is καὶ φυλάξονται τὰ φυλάγματα which also is repeated unchanged. The third part in verse 26 is οὐθὲν λαβόντες and in verse 28 οὐ μετὰ δόλου. Only the third part is phrased differently. A change in the repetition may be noticed in the words that link the two exactly repeated phrases with the third that is worded differently. The word αὐτῶν in verse 26 lies between the two identically repeated phrases and οὐθὲν λαβόντες. But in verse 28 the words ταῦτα καὶ form the connecting bridge with the third part. The one word in verse 26 provides a mnemonic indicator that this phrase occupies a position as the first repeat and the two words in verse 28 places it in the position of the second repeat.[81] These changes in the words between the repetitions are a phrase ordering mnemonic and indicate that this passage was memorized and later written down.

Our knowledge of the techniques of oral composition can resolve the longstanding question of whether the Jews received a treaty in 161 BCE.[82] The written copy of the clauses of *foedera* ("treaties") found in inscriptions do not show any signs of oral composition. Whereas if the envoys had received an oral declaration from the senate they would have needed to preserve its substance by committing it to memory and later writing it down.[83]

If the Jews had received a treaty one would expect to find traces of oaths; for the oath was the crucial act in the ceremony of the conclusion

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[79] Bar-Efrat 1989: 213.

[80] See yoked episodes in Wilson 1997: 23–29.

[81] Quint. *Inst.* 11.2.36–39; Howlett 1995: 20; McCreesh, 1991: 24; Zlotnick 1984–1985: 240.

[82] For another and different method of showing the flaws in the theory that the Jews received a Roman treaty see Zollschan 2005a: 16–25, 34–37.

[83] Quintilian suggests (*Inst.*10.6.1) that in such circumstances one should commit a text to memory where writing it down would be impractical.

of a treaty.[84] The fetial priests in the name of the Roman people swore oaths in the form of a *carmen* ("incantation")[85] that could be heard by all present. The Roman people were bound precisely because they had heard. The clauses of the treaty were then read out from wax tablets.[86]

The reading aloud of laws also bound those who heard to the provisions of the law as Cicero indicates (*Pro Rabirio* 6.14). The act of reading oralized the text.[87] Livy (1.24.7) reports that the reading was designed to show that the terms of the treaty were clearly understood by all.[88] Fearsome consequences were to befall the Romans if they were the first to violate the treaty. Jupiter was called upon to hear and to witness: *Audi, Iuppiter…* ("Hear, Jupiter …"). The blow to the sacrificial pig represented a blow to the perjurer and Jupiter stood as the guarantor.[89] How could the senate repudiate such treaties when they were solemnized in this way with religious sanction?[90] An oath struck awe in the Romans[91]—far better to forgo oaths and to cement peaceful relations with a simple *senatus consultum* ("senatorial decree").

At the time when the Romans moved from religiously sanctioned oral forms of diplomacy to unilateral declarations of the senate, the term for ambassador changed from *orator* to *legatus*. The term, *orator*

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[84] Boyancé 1962: 334.

[85] Lewis and Short 1966: s.v. *carmen*, 293. See XII Tables 8.1a: *polleantne aliquid uerba et incantamenta carminum.*

[86] The oath did not contain the terms of the treaty as Mommsen thought: *Röm. Str.* I.252, n. 3 as shown by Heuss 1934: 20–22.

[87] Ong 1982: 175.

[88] The full text from Livy (1.24.7–8) recording the treaty conclusion ceremony reads as follows: *Fetialis regem Tullum ita rogauit: "Iubesne me rex, cum patre patrato populi Albani foedus ferire?" Iubente rege "Sagmina," inquit "te, rex, posco." Rex ait: "Pura tollito." Fetialis ex arce graminis herbam puram attulit. Postea regem ita rogauit: "Rex, facisne me tu regium nuntium populi Romani Quiritium, uasa comitesque meos?" Rex respondit: "Quod sine fraude mea populique Romani Quiritium fiat, facio." Fetialis erat M. Valerius; is patrem patratum Sp. Fusium fecit, uerbena caput capillosque tangens. Pater patratus ad ius iurandum patrandum, id est sanciendum fit foedus; multisque id uerbis, quae longo effata carmine non operae est referre, peragit. Legibus deinde, recitatis, "Audi" inquit, "Iuppiter, audi, pater patrate populi Albani, audi tu, populus Albanus. Vt illa palam prima postrema ex illis tabulis ceraue recitata sunt sine malo dolo, utique ea hic hodie rectissime intellecta sunt, illis legibus populus Romanus prior non deficiet. Si prior defexit publico consilio dolo malo, tum illo die, Iuppiter, populum Romanum sic ferito ut ego hunc porcum hic hodie feriam; tantoque magis ferito quanto magis potes pollesque." Id ubi dixit porcum saxo silice percussit. Sua item carmina Albani suumque ius iurandum per suum dictatorem suosque sacerdotes peregerunt.*

[89] Perjurer: Ogilvie 1965: 112. Guarantor: Fiori 1996: 523.

[90] Boyancé 1964: 429–430.

[91] Pliny, *NH* 28.4.19. See also Livy 10.38.10; 41.3; Gell. *NA* 11.22.

preserved the notion of one that had to call on the gods as witnesses, perform a ritual, and utter formulae;[92] while *legatus* meant simply one who was sent. The change in nomenclature has been traced by Linderski to around 189 BCE.[93] Can it be coincidental that the terminology changed in the same period that diplomatic practice changed?

The senators anticipated the problem of an all-powerful general with *imperium* returning to Rome trumpeting his achievement in bringing a war to a close. So the general's power to make peace was phased out. In the second century, the senate shifted the control of peacemaking from ceremonies on the battlefield to voting in the senate in Rome. Far preferable became declarations of the senate that retained their prerogative through *auctoritas* ("authority"). Henceforth, Roman ambassadors need no longer be required to take part in religious ceremonies and they are called *legati*, merely those sent by the senate. The politics of orality caused a shift in responsibility for peace from the individual general to the senate. Major wars were ended without *deditio*. Neither Hannibal nor Antiochus III made a formal act of unconditional surrender to a Roman general.[94] This round of the political battle between *imperium* and *auctoritas* was won by the senate; but the generals in the following century found new and different ways to reassert the power of *imperium*.

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[92] We first find *orator* used in the sense of ambassador in Ennius when referring to the envoy of King Pyrrhus. *orator sine pace redit: Annales* 207 (Vahlen): Linderski 1995: 457, 459.

[93] Linderski 1995: 446.

[94] Sherwin-White 1984: 22–26.

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PART III

THE ORAL AND WRITTEN CONTROVERSY: PRIVILEGING LITERACY

THEOGNIS' *SPHRÊGIS*: ARISTOCRATIC SPEECH AND THE PARADOXES OF WRITING

Thomas Hubbard

The publication in 1985 of the ground-breaking volume *Theognis of Megara*, edited by Thomas Figueira and Gregory Nagy,[1] offered a wholesale paradigm-shift in the study of the Theognid corpus, transcending the long-stalemated debate between unitarians and analysts in much the same way that Milman Parry and Albert Lord's seminal work on oral-formulaic composition transformed the comparable stalemate in Homeric studies some 50 years earlier. The essays in this volume, which emerged out of a NEH-sponsored seminar Nagy directed at Harvard in the summer of 1981, argue that the whole question of authorship is irrelevant, and that we should rather view the 1400 odd lines of elegiac verse that has been preserved in manuscript form under the name of "Theognis" as a local tradition of aristocratic poetry at Megara that was unified in its political and social world-view, but not in terms of date or authorship. As such, its evolution can be likened to the accretive dynamics of the oral tradition that produced Homeric poetry, with similar consequences for the question of authorship and the instability of the text. While not directly addressing the question of oral vs. written transmission, this approach would seem to necessitate the oral status of Theognid poetry, at least during its formative period.

I was at first very captivated by the advantages of this point of view, and for a number of years taught it as the current orthodoxy in my courses on Greek lyric poetry. However, I have more recently come to have my doubts. In particular, the *sphrêgis* elegy, variously identified as 19–26, 19–30, or 19–38, seems to me an insurmountable obstacle, in that it rather clearly identifies a specific individual as author of a fixed and written text:

> Κύρνε, σοφιζομένῳ μὲν ἐμοὶ σφρηγὶς ἐπικείσθω
>   τοῖσδ' ἔπεσιν—λήσει δ' οὔποτε κλεπτόμενα,
> οὐδέ τις ἀλλάξει κάκιον τοὐσθλοῦ παρεόντος,
>   ὧδε δὲ πᾶς τις ἐρεῖ· Θεύγνιδός ἐστιν ἔπη

[1] Figueira and Nagy 1985.

τοῦ Μεγαρέως· πάντας δὲ κατ' ἀνθρώπους ὀνομαστός·
  ἀστοῖσιν δ' οὔπω πᾶσιν ἁδεῖν δύναμαι.
οὐδὲν θαυμαστὸν Πολυπαΐδη· οὐδὲ ὁ Ζεὺς
  οὔθ' ὕων πάντεσσ' ἁνδάνει οὔτ' ἀνέχων.

Cyrnus, let a seal lie upon these verses for me as I communicate poetic wisdom—
  They will never be stolen without detection,
Nor will anyone accept a worse line when a good one is at hand,
  But everyone will speak thus: "These are the verses of Theognis
Of Megara." I am famous among all men,
  But am not yet able to please all my fellow citizens.
It's no wonder, son of Rich Man: not even Zeus
  Pleases all either when he rains or holds back.

(Thgn. 19–26)

Of course, this poem has not gone unnoticed by the Nagy seminar: in particular, two of its most gifted and subtle members, Andrew Ford and Lowell Edmunds, have attempted to put forward alternative explanations.[2] In Ford's words,

> … the seal of Theognis had as its prime function the codification and authorization of a body of gnomological poetry as representing the accepted standards and values of the *agathoi*. The name of Theognis guarantees not the origin of these *epê* but their homogeneous political character and their aristocratic provenience. The assertion that the seal has preserved a work intact is an assurance that this body of precepts constitutes a comprehensive, reciprocally explanatory education for an aristocratic youth.[3]

While the poetry of "Solon" (political elegies invoking the name of a well-known historical sage and statesman) or the collection of Attic skolia may well constitute such multiply authored bodies of ideologically unified utterances, neither, so far as we know, had need of such a codifying and authorizing prologue.[4] In contrast, Ford's vocabulary of

[2] Ford 1985: 82–95; Edmunds 1997: 29–48, 136–143.

[3] Ford 1985: 89.

[4] Since we do not have entire collections of other archaic authors extant, we cannot be certain, but it does seem likely that significant programmatic poems would have been among those that subsequent authors would most frequently quote or excerpt, as the *sphrêgis* was. Stobaeus 4.29.53 says Xenophon quoted 22–23; Aristophanes, *Birds* 1362–1363, clearly parodies 27–28 (cf. Carrière 1975: 143, and Dunbar 1995: 658–659); Plato, *Meno* 95D, quotes 33–36, and Xenophon, *Symposium* 2.4 and *Memorabilia* 1.2.10, quotes 35–36; for the many later authors who also quote this elegy, see West 1971: I, 175. Other collections do seem to have begun with hymns: not only Theognis 1–18, but the Attic skolia (fr. 884–887 PMG) as recorded by Athenaeus 694C–D, and the

"codification and authorization of a body of poetry" implies the activity of an individual who codifies and authorizes.[5] Certainly nothing like an editorial committee existed at this time, nor was there any official Megarian Aristocratic Party's Good Housekeeping Seal of Approval. No tradition ever composed eight lines of poetry, much less collated, codified, and authorized 1400 lines. Only an individual performer or poet or compiler can do so, perhaps working within the framework of a specific tradition and utilizing traditional formulae or elements. A "tradition" by definition cannot exist independent of multiple individual agents, each of whom relates to that tradition, interprets it, or tweaks it in his own individual way. Why should we not, therefore, take the composer of 19–26 at his word, regardless of how heterogeneous his sources, and call that individual "Theognis of Megara," particularly since that name occurs nowhere else in the entire corpus?

There are many other problems with viewing the *sphrêgis* elegy merely as the self-interpellation of a disembodied, authorless tradition. For one thing, the chronological underpinnings of the view that the Theognid corpus is temporally heterogeneous are very tenuous and insecure. The first paragraph of the Figueira-Nagy volume justifies the whole approach from this initial assumption, and cites in its defense three elegies with supposedly different dates: 39–52, on the possible emergence of a tyrant, which they assume must predate Theagenes' tyranny beginning around 640 BCE; 891–895, which curses the clan of the Cypselids and is therefore argued to date to the second quarter of the sixth century; and 773–782, which suggests an imminent invasion of Megara by the Persians and must therefore date to 480 or 479.[6] But of these three examples, which are presented as their strongest cases, only the last is securely datable, and it is uncertain whether this elegy was actually part of the *Theognidea* or attached to it later by Hellenistic editors because of its obvious Megarian content; indeed, in its speci-

Alexandrian editions of Sappho, Alcaeus, and Anacreon, as documented by Kroll 1936: 45–47. However, Kroll is careful to distinguish these cases from a proemium intended by the author himself; even the arrangement of the Attic skolia cannot be guaranteed to be pre-Hellenistic in date.

[5] Although it was not clear in his 1985 essay, perhaps because of a need to fit the ideological agenda of the Nagy seminar's collective volume, Ford now admits that this is true (*per litteras* 9/28/04): "I agree, just so long as you wisely leave this 'individual' rather indefinitely defined as a 'performer or poet or compiler'. It is wrong to assume that this individual would have privileged the creative aspects of his intervention, even if he in fact does a lot of 'innovation.'"

[6] Figueira and Nagy 1985: 1.

ficity of local allusion it is really quite unlike the rest of the corpus. West and more recently Ewen Bowie have both seen the Hellenistic and Imperial periods as the time when the Theognid collection was heavily contaminated with foreign material from one or two elegiac anthologies.[7] Indeed, Plato's belief (*Laws* 1, 630A) that Theognis lived in Megara Hyblaea in Sicily proves that this poem cannot have been part of the collection he knew as "Theognis." As for 39–52, it is more likely that these lines are informed by historical memory of a tyranny in Megara and fears that the current political strife could lead to emergence of another. One can cite as an analogy the continuing Athenian fears about the emergence of a new tyrant even as much as a century after the fall of the Peisistratids; hence the herald opened every meeting of the Assembly with a curse on "any aspiring to be tyrant or to join in bringing back the tyrant" (see Ar. *Birds* 1074–1075).[8] What little we know of Megarian political history suggests involvement in a

[7] West 1974: 55–59, and Bowie 1997: 61–66. In their scheme, this augmented collection would have first circulated as an explicit anthology of several archaic elegists, but later come to be misidentified as Theognis' sole composition because of the obvious Theognid character of many of its poems (i.e. the address to Cyrnus). However, where I would side with the Nagians against West and Bowie is in believing that texts such as 153–154 (similar to Solon, fr. 6.3–4 W) and 227–232 (similar to Solon, fr. 13.71–76 W) need not necessarily be denied to "Theognis" just because they replicate passages in Solon. First, the passages show slight alterations in every line, and second, as André Lardinois demonstrates in this volume, the Solonic corpus itself does not necessarily all go back to Solon. More importantly, Theognis' claim of ownership in the *sphrêgis* need not be a claim of "originality," since as the Nagians correctly emphasize, this concept cannot apply in the same way to a poetic tradition that works with formulaic, oral-derived material, as gnomological poetry surely did: an entire *gnomê* of one or more couplets could legitimately be regarded as a formula. On the other hand, where I side with West and Bowie against the Nagy seminar is in believing that not all parts of the present *Theognidea* would have circulated as such at any point before the Hellenistic age. It is significant that all but one of the several fourth-century citations of "Theognis" come from the first 254 lines of the corpus, in other words, the part that West, Bowie, and others (cf. Friedländer 1913: 572–596; Jacoby 1961: 415–439; Hasler 1959; Friis Johansen 1996: 10–12) regard as most surely the work of Theognis, perhaps even preserving some traces of the first collection's original order, given the appropriately prologic and epilogic positions of 1–26 and 237–254, and the concentrated logical sequence of political topics in between. The one exception (434–438) is quoted by Plato, *Meno* 95E, but in a version slightly different from what we find in the manuscripts; this also comes from a relatively early part of the collection. As West notes, the most questionable verses, the inferior doublets, are concentrated toward the end of Book 1 (1023–1220), suggesting that the present collection is an accretion of less reliable material progressively added to the most securely attested.

[8] For other references to fear of the tyrants in the late fifth-century, see Dunbar 1995: 583–584.

disastrous series of wars throughout the sixth century, which doubtless exacerbated factional strife.[9] Megara may have been a democracy as early as 580 BCE, but the democratic government was overthrown at some point in the second half of the century, perhaps in response to debt forgiveness or as a result of intervention by outside powers.[10] This poem could therefore be dated at almost any point during this unstable period; indeed Theagenes' tyranny is the only time we can be sure it was not composed. 891–895 is equally uncertain: Figueira defends his dating with an extremely convoluted and speculative theory about shifting alliances in Euboea,[11] but there was hardly any period when Chalcis and Eretria were not at odds, so this poem also can be dated to nearly any point in the sixth- or even early fifth-centuries. Victor Parker's recent treatment of the conflicts shows the complexities of any attempt to date this poem.[12] Even the allusion to the Cypselids does not really help us, since as Figueira acknowledges, the *Suda* (s.v. Κυψελίδων ἀνάθημα) tells us that a phrase very much like that of 894 was used as a traditional formula to curse the Corinthians by association with the Cypselid tyranny even after it no longer existed. As we saw with regard to the other poem, the memory of tyrants remained imprinted in the formulae of political discourse even long after their demise. The other poems that Figueira, West, and others have attempted to date are equally inconclusive on closer examination;[13] given the vagaries of the text in Hellenistic times, it is hard to be sure that that any specific poem in our present corpus was actually considered part of the *Theognidea* in the archaic period, unless it is one of the few poems quoted as Theognis by fourth-century sources. For the most part, the references to politics in the Theognid poems are sufficiently generic as to

[9] See Figueira 1985b: 278–303.

[10] Figueira 1985b: 297–300.

[11] Figueira 1985b: 288–291.

[12] Parker 1997: 82–88.

[13] West (1974: 65–71) attempts to date Theognis to the second half of the seventh-century based on 39–52, which we have already discussed, and the reference to the fall of Magnesia, Colophon, and Smyrna in 1103–1104. However, Archilochus, fr. 20 W, and Mimnermus, fr. 9 W, show that the fall of these three cities was already a literary topos; nothing in 1103–1104 proves that the events were recent. Friis Johansen (1993: 20–23) thinks the allusions are more likely to the Persian conquest of these cities c. 540. In any event, this poem belongs to the part of the collection that even West himself admits to be least secure in its authenticity (see n. 7 above). Figueira (1985a: 123) points to 757–768 as also pertaining to the Persian invasion of 480, but as in 773–782, there is no address to Cyrnus and the Theognidean provenance is questionable; indeed, if the elegy was Ionian in origin, it would have been much earlier.

be applicable to virtually any Greek city at any time they were independent and self-governing. Very little is specifically Megarian, and as Nagy himself has noted, the non-Megarian Ionic dialect of the poetry in itself reveals an ambition to be pan-Hellenic.[14] Indeed, lines such as 23 or 237–239 so much as proclaim the pan-Hellenic diffusion and audience of this work. In a careful study of the diction and language of the *sphrêgis* elegy, the Danish scholar Holger Friis Johansen has dated it to the late sixth- or early fifth-century, and indeed there is nothing in the Theognid corpus that is clearly inconsistent with such a date.[15]

Even beyond the fallacies inherent in these initial chronological assumptions, there are a number of specific problems with the Nagy seminar's approach to the *sphrêgis* elegy. Ford and Edmunds focus their attention on disproving the concept of "the author as the 'original writer.'" As v. 28 and the many parallels with other traditions of wisdom poetry show, Theognis heard much of what he says from others. However, disproving the originality of Theognis' work is not to disprove his existence or his emphatic claim to ownership of the lines to which his *sphrêgis* is attached. One can own things without being their original creator. Even in the context of oral poetry, where the material is formulaic and traditional, a given performer can regard "his" version of a story as superior to that of other performers, and indeed agonistic competition between individual poet-performers is attested as part of the Greek poetic landscape as early as Hesiod (*Works and Days* 654–659).[16] Parry and Lord's study of South Slavic oral epic featured poet-performers who, like Theognis, had a very strong sense of personal identity and criticized other performers of "the same song" for their "mistakes."[17] Their superiority to other performers was conceptualized not in terms of creating a better song, but doing a better job of preserving the tradition as they heard it. Some such oral performers were also judged superior by their audience and considered "famous." In an even broader study of diverse oral cultures, Ruth Finnegan establishes not only that oral poets had well-known personal identities, but in many traditions, also a sense of "ownership" and even "originality,"

[14] Figueira and Nagy 1985: 5.

[15] Friis Johansen 1993: 5–11.

[16] On such contests, see Nagy (1979: 311 n. 6) who also cites the contest between Thamyris and the Muses (*Iliad* 2.594–600) as evidence for the social institution.

[17] See Lord 1960: 23–29.

as they allowed only their sons or chosen disciples to learn and perform "their" song, accusing other poets of "theft."[18]

While not all the details of these scenarios necessarily transfer to the Greek context, they do establish that oral-derived poetry in no way precluded a poet making a strong assertion of his individual place in the tradition and even choosing an ideal recipient upon whom he will bestow his interpretation of that tradition. What Theognis stamps a seal upon and proclaims as his own are the particular renditions of traditional gnomological discourse that he formulates as part of an extended parainetic dialogue between himself and his beloved Cyrnus, even as Hesiod could claim as his own the traditional gnomic wisdom that he formulates as advice to his wayward brother Perses. That these nuggets of gnomic wisdom were inherited from a long oral tradition of pan-Hellenic poetic discourse does not in any sense prevent a self-conscious poet, whether oral or literate, from arranging, combining, and reformulating them into a composite work bearing his own personal stamp.

Ford and Edmunds both claim, correctly, that seals were not used in antiquity to identify the artisan creating an object.[19] But as we have shown, original creation *ex nihilo* is not the issue here: we do not need an original creator to have an author. Edmunds asserts that seals were not even used as marks of ownership, but merely as deterrents to theft, basing this claim on Boardman's observation that seal designs were relatively formulaic in character and were seldom unique in the sense that a signature or social security number is today.[20] But a symbol need not be unique to mark ownership within a relatively small community: in

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[18] Finnegan 1977: 201–206. The Winnipeg conference heard a similar assertion from the Rock Cree storyteller William Dumas, who emphasized the importance of obtaining permission to retell a story from the elders of the community and the storyteller from whom one learned it.

[19] Ford 1985: 83–85; Edmunds 1997: 32–33. In this regard, both follow Woodbury 1952: 20. However, both (Edmunds explicitly, Ford more indirectly) dispute Woodbury's claim that seals do guarantee ownership.

[20] Edmunds 1997: 32–33, citing Boardman 1968: 176–177. However, Boardman is not quite so categorical: he notes that Diogenes Laertius 1.57 refers to a "law of Solon" requiring seal-engravers not to keep impressions of seals they cut, presumably to prevent them from creating duplicate seals. Although Boardman doubts the law was genuinely Solonic, he admits that it may have become necessary by the end of the sixth century. He further notes that a number of seals of the late sixth/early fifth centuries do in fact include inscriptions of the owner's or even the maker's name, suggesting they were indeed used as marks of personal identity. The extent of this practice may have varied in different parts of the Greek world. For papyrological evidence of the later use of seals as marks of personal identification on documents, see Diehl 1938: 9–12.

Texas and other Western states, cattle are regularly branded with a mark that combines two or three letters, numbers, or geometric shapes that usually in some form replicate the name of the ranch to which they belong. Such formulaic marks are usually not unique, but are nevertheless effective both in deterring theft and establishing provenance; the two functions are clearly connected. With specific regard to the Greek context, several pieces of evidence establish quite clearly that seals were indeed regarded as marks of ownership: Woodbury cites an Aeginetan gem used for sealing purposes that accompanies its design with the tiny inscription Θέρσιος ἐμι σᾶμα. μή με ἄνοιγε.[21] At least three passages in Greek tragedy confirm the seal's status as a mark of ownership and personal identity: Euripides, *Orestes* 1108 tells us that Helen is busy inside Agamemnon's palace at Mycenae setting her seal on everything. Surely her concern here is not with theft, for the valuables are presumably already protected by Agamemnon's or Clytemnestra's seal. Rather, by removing those seals and replacing them with her own, she is appropriating the household property for herself; this is consistent with the accusation Orestes elsewhere makes against Menelaus of failing to defend him because Menelaus himself covets the throne of Mycenae, which would otherwise be inherited by Orestes. In Sophocles, *Trachiniae* 614–615, Deianeira places her seal on the package she sends Heracles: the purpose is clearly not because she fears that the package will be stolen or that Lichas will open it, since Lichas already knows that it contains a sacrificial robe. Her purpose in sealing the package is solely so that Heracles will know it is a gift from her and no one else. Similarly, Euripides, *Iphigenia at Aulis* 153–156, has Agamemnon assuring his messenger that his message will be credible in virtue of the identifying seal upon it; Xenophon, *Hellenica* 7.1.39, similarly relates that the seal of the King of Persia authenticated his letter to the Thebans. Accordingly, it is legitimate to conclude that Theognis intends his *sphrêgis* as a mark of personal identity and possession, particularly since this is the one and only poem in his corpus where he reveals his name.

Ford and Edmunds both cite a number of parallel texts to support their notion of a *sphrêgis* as the invocation of a traditional authority to empower a body of poetry. Edmunds particularly calls attention to an epigram of Critias that uses the word *sphrêgis*:[22]

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[21] Woodbury 1952: 23–24. This seal appears as #176 in the catalogue of Boardman 1968: 73–74.

[22] Edmunds 1997: 36–37.

γνώμην δ' ἥ σε κατήγαγ', ἐγὼ ταύτην ἐν ἅπασιν
εἶπον, καὶ γράψας τοὖργον ἔδρασα τόδε,
σφαγὶς δ' ἡμετέρης γλώσσης ἐπὶ τοίσδεσι κεῖται.

The decree which brought you back, I proposed this orally in front of everyone,
And causing it to be inscribed into law I did this deed,
And a seal of our tongue lies upon these things.

(Critias, fr. 5 W)

Plutarch, who quotes the fragment, says this was addressed to Alcibiades to remind him that Critias was the one who proposed the decree permitting his return to Athens. Given the echo of the σφρηγὶς ἐπικείσθω / τοῖσδ' ἔπεσιν formula in this epigram's σφαγὶς … ἐπὶ τοίσδεσι κεῖται and of Theognis' πάντας κατ' ἀνθρώπους in ἐν ἅπασιν, as well as the oligarch Critias' undeniable affinity for Theognis' world-view, it is indeed probable that Critias is consciously alluding to Theognis' poem here.[23] As such, this text provides us with the earliest evidence of how other Greek aristocrats read Theognis' *sphrêgis* elegy and interpreted its significance. Edmunds curiously understands Critias to designate by his *sphragis* "his distinctive style of expression." It is hard for me to discern in these three lines, or for that matter in any of Critias' other elegiac fragments, anything that is stylistically distinctive. In the context of the emphatic εἶπον at the beginning of the previous line, what Critias must mean by the seal of his tongue is a claim of personal responsibility for the recall decree he proposed in the Assembly, even as he read Theognis' seal to be an assertion of his personal

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[23] This is also the view of Jacoby 1961: 374; Radermacher 1933: 28; Woodbury 1952: 28–29; and more tentatively, Kroll 1936: 53 n. 132. Pratt (1995: 179) observes that Critias' epigram foregrounds the progression from initial oral transmission (εἶπον) to written codification (γράψας), which, as we shall establish, is also a central theme in Theognis' poem. Ford doubts an allusion here (*per litteras* 9/28/04): "The verbal similarities in the two texts are simply due to the fact that Critias is troping the same discursive formula of 'sealing' as Theognis …. Any competent elegiac composer knew to set a seal properly, use the verb *keimai* (interestingly multivalent) and use a deictic pronoun … to refer to the body of songs." But we have absolutely no evidence of other elegiac poets claiming to set such a *sphrêgis* on their work. Two passages with verbal similarities are not enough to construct a formula, much less a traditional practice. The term is not used in other non-elegiac passages of poetic self-identification, such as Hesiod, *Theogony* 22–35, *H. Hymn to Apollo* 166–173, or Timotheus, fr. 791.229–236 PMG. Indeed, the term's application to the Terpandrian nome was, like the other terms for its parts, probably an invention of late grammarians, perhaps even based on Theognis' metaphor: cf. von Wilamowitz-Moellendorff 1903: 97–100; Jacoby 1961: 374; Radermacher 1933: 27.

responsibility for the contents of his book. I can see in Critias' poem absolutely no support for the notion that "Theognis" was not a real person, but merely a stylistic and ideological tradition. Critias himself was very much a historical personage, who makes a strong personal assertion of responsibility to Alcibiades, another historical personage of high visibility. There is no evidence that he interpreted Theognis and Cyrnus to be any less historical than he and Alcibiades were.

Ford devotes much attention to the information of the pseudo-Platonic *Hipparchus* (228C–229B) that the tyrant Hipparchus formulated various maxims into elegiac couplets and had them inscribed on herms throughout the city, each beginning with the tag μνῆμα τόδ' Ἱππάρχου.[24] The purpose was to display his wisdom to the Athenians and outdo the maxims of the oracle at Delphi, patronized by his Alcmaeonid rivals. Ford argues that these epigrams provide a parallel example of how a regime or political party could use the authority of a famous name to disseminate traditional gnomic poetry embodying their world-view. However, this example hardly supports the notion that there was no author named Theognis, but merely a political tradition using that name. Like Critias, Hipparchus was unquestionably a historical persona of great notoriety, and at least in the pseudo-Platonic account, it was his own personal initiative and desire to be known as a sage that caused him to have these short poems inscribed. It was certainly not the work of a political party using his name after his death; to put it mildly, Hipparchus was not fondly remembered for very long. Moreover, judging from the two epigrams the dialogue cites, Hipparchus' contribution consisted of no more than the second hemiepes of the pentameter; as Shapiro suggests, the hexameter presumably contained the geographical information which was the basic function of a herm to mark. These laconic platitudes contained no real political philosophy or world-view comparable to the more complex musings and exhortations we find among the *Theognidea*. That both Hipparchus and the *Theognidea* used traditional gnomic wisdom proves only that originality was not necessary for a poet to declare a particular aphorism or maxim his own property.

[24] Ford 1985: 89–94; cf. Edmunds 1997: 41. On these herms, see also Shapiro (1989: 125–126) who suggests that the principle reason for their erection was not to disseminate Hipparchus' views so much as for their practical utility as boundary markers.

Ford also adduces the examples of Phocylides and Demodocus for names attached to heterogeneous corpora of moral wisdom that may have been the work of various composers.[25] But again, the analogy to the *Theognidea* is not very good. These poems, like those of Hipparchus, always begin with a naming formula, like καὶ τόδε φωκυλίδεω ("And this is the saying of Phocylides"), whereas the name of Theognis appears only once in the whole corpus of 1400 lines. Moreover, there is no evidence that either Phocylides or Demodocus had distinct political identities in Miletus that would have made their work fertile ground for imitation or interpolation by partisans. Fr. 12 D of Phocylides advocates a "middle course" in politics, hardly a stirring battle cry. The *Pseudo-Phocylidea* appear to be much later, probably from the first century CE, and thus provide no evidence for archaic practices.[26] What we do see in Phocylides and Demodocus is intertextual cross-referencing that would seem to be characteristic of the kind of agonistic rivalry one might expect between two contemporary poets working in the same genre. Demodocus writes a couplet attacking the Chians (fr. 2 D), Phocylides then parodies it, but changes "Chians" to "Lerians," alluding to Demodocus' birthplace (fr. 1 D), and Demodocus in turn writes a couplet attacking Milesians like Phocylides (fr. 1 D):[27]

καὶ τόδε Δημοδόκου· Χῖοι κακοί, οὐχ ὁ μέν, ὃς δ' οὔ·
πάντες πλὴν Προκλέους—καὶ Προκλέης δὲ Χίος.

And this is the saying of Demodocus: The Chians are bad, not just one, but not the other.
All are bad except Procles—and even Procles is a Chian.
(Demodocus, fr. 2 D)

καὶ τόδε Φωκυλίδεω· Λέριοι κακοί, οὐχ ὁ μέν, ὃς δ' οὔ·
πάντες πλὴν Προκλέους—καὶ Προκλέης δὲ Λέριος.

And this is the saying of Phocylides: The Lerians are bad, not just one, but not the other.
All are bad except Procles—and even Procles is a Lerian.
(Phocylides, fr. 1 D)

[25] Ford 1985: 86; Edmunds 1997: 40–42.

[26] See Van der Horst 1978: 81–83.

[27] For Leros as Demodocus' birthplace, see Anon. in Arist. *Eth. Nic.* (*Comm. in Arist. Graeca* 20.439.15). The intertextual humor appears to elude both West, who conflates the first two fragments as Demodocus, fr. 2 W, and Edmunds (1997: 41–42) who regards the similarity as proof that both derive from a traditional formula.

καὶ τόδε Δημοδόκου· Μιλήσιοι ἀξύνετοι μὲν
   οὔκ εἰσιν, δρῶσιν δ' οἷά περ ἀξύνετοι.

And this is the saying of Demodocus: The Milesians are not stupid,
   But they do the kind of things stupid men do.

(Demodocus, fr. 1 D)

None of this provides a particularly good parallel for what the Nagy seminar envisions in Theognis. It is certainly not, as Edmunds claims, a case of traditional sayings being attributed to a traditional authority, as neither poet had any particular fame outside of their wisdom poetry.

Edmunds comes closer to the mark when he adduces as a parallel the gnomological collection falsely attributed to Epicharmus, including a detailed first-person prologue.[28] However, this collection was certainly no earlier than the late fifth-century, so it is hazardous to use it as evidence for archaic practices. Even here, we are dealing with a famous literary figure, known as the author of many comedies, not the kind of shadowy phantom that the Nagy seminar constructs Theognis to be. Theognis of Megara is completely unknown outside of the collection of gnomic poetry attributed to him, in which he names himself exactly once. His impression on history was so faint that by Plato's time, people were uncertain whether he was from Nisaean Megara or Megara Hyblaea in Sicily.[29] On the other hand, Critias, Hipparchus, and Epicharmus were all well-known historical personages quite independent of any gnomic poetry they either composed or had attributed to them. The same objection applies to the Seven Sages or famous mythological characters such as Orpheus, Musaeus, or Chiron, to whom collections of gnomic or oracular poetry were also attributed. These figures all had a prominent existence and authority outside of the collection itself, even if in their case it was sometimes legendary rather than historical. The name "Theognis of Megara," however, had no such claim to recognition independent of the poetry, so I fail to see how it could, in itself, confer any special authority in the same way these other historical or mythological names did. For this theory

[28] Edmunds (1997: 42–43) regards vv. 12–14 of this poem as a direct imitation of Theognis' *sphrêgis*, of which I am unpersuaded: they do not share a single word in common. For a text and commentary on this collection, see Crönert (1912: 402–413) who notes (406) the prologue's similarity to Alexandrian forms of expression. The papyrus itself dates to 280–40 BCE.

[29] Plato, *Laws* 1 630A, assigns him to Megara Hyblaea. The scholiast to this passage admits that it was a matter of controversy and that the Alexandrian polymath Didymus insisted Theognis came from the other Megara.

to work, there had to be a historical Theognis with some independent pan-Hellenic reputation.

Ford cites an interesting analogue to the *sphrêgis* elegy in lines 805–810, which concern the obligation of a *theôros* to the Delphic oracle to bring the Pythia's prophecy back intact, without adding or subtracting anything;[30] this bears obvious similarity to line 21 in the *sphrêgis* poem. As Ford admits, normal theoric practice was in fact to deliver the oracle as a sealed written document. It is frankly beyond me to comprehend how this elegy and the *sphrêgis* are supposed to help prove that the Theognid collection was a fluid and living document to which successive generations of Megarian aristocrats freely added. Plainly, both poems articulate the ideal of a fixed and permanent text.

Moreover, they presuppose a written text. In recent years, this obvious interpretation of the *sphrêgis* has been reasserted by Friis Johansen, Ruth Scodel, and Louise Pratt.[31] A seal must be attached to a physical object, like a book, and particularly in a culture where writing is a relatively new technology and written documents are fairly rare and special, writing would seem to provide a form of permanence and invulnerability to alteration that the fluidity of oral tradition could never offer. From our perspective, we know that written transmission is not in fact invulnerable to interpolation and error, but in interpreting this poem we must put ourselves in the position of a late archaic poet. Some of the earliest inscriptions on objects were property labels,[32] and indeed a seal of ownership like the one Theognis proclaims is itself a form of non-alphabetic inscription. It is precisely in the period to which we assign Theognis that it becomes common for vase painters and potters to sign their artistic work and in some cases even dedicate it to a beloved boy by means of a *kalos*-inscription.[33] Could this have been the

[30] Ford 1985: 86–88. Pratt (1995: 172–173) also finds this text is inconsistent with oral transmission of the corpus.

[31] Scodel 1992: 75–76; Friis Johansen 1993: 26–29; Pratt 1995: 171–184. Although eliding this issue in his 1985 article, Ford now admits it as well (*per litteras* 9/28/04): "the seal depends fundamentally on writing. But the seal identifies an author (I'd say a 'brand name') only as a corollary to its essential task, which is to proclaim the integrity of a collection of texts." Edmunds also now admits the written status of the *sphrêgis* (*per litteras* 10/15/04).

[32] See Scodel 1992: 58, for references.

[33] The first extant signed vases are the work of Sophilos in the 570s, after which the practice becomes common. See the brief overview of Boardman 1974: 11–12. For the beautiful boys named in *kalos*-inscriptions as in some sense favorites of the artists themselves, see the discussion of Shapiro 2000: 25–31.

inspiration for Theognis' idea of imprinting his name and that of his *erômenos* on his poetic collection?

Robert Renehan has observed that Theognis names himself in line 22 of the corpus as it now stands, just as Hesiod named himself in line 22 of the *Theogony*.[34] This may not have been a mere coincidence. Although some have assumed that the *sphrêgis* elegy was the original prologue to the *Theognidea*, the first 18 lines, which consist of hymns to Apollo, Artemis, the Muses, and the Graces, would also make sense as a conscious beginning, given the familiar archaic practice of prefacing an epic recitation with a hymn to one of the gods.[35] By the same logic, Theognis' self-proclamation as a famous pan-Hellenic poet must be prefaced by hymns honoring the gods to avert their *phthonos*. The artfulness of Theognis' self-naming coming in the same line as Hesiod's is unlikely to be the work of a nameless Alexandrian or Byzantine editor, but appears to be a self-conscious act of poetic emulation of a notable precursor who was famous for his wisdom poetry. The consequences of this allusion, if it is one, are profound. It is hardly something an oral performer or listener could notice. Rather it seems to guarantee not only that Theognis' collection was a written document of which we now possess the intact opening sequence, but moreover that Theognis was familiar with Hesiod's *Theogony* as a written document. It also suggests that the artful arrangement of individual poems within a book, something we have long associated with Roman poets, had its origins already in archaic Greek elegy. I hardly see how this allusion can be the self-authorizing boast of an entire oral tradition of Megarian aristocratic poetry. This can only be the work of a single, self-conscious individual, even if he was arranging and revising material that he mostly derived from earlier oral traditions. I see no reason why we should not apply to this individual the name "Theognis," regardless of whether it was his real birth name or an adopted pseudonym.

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[34] Renehan 1980: 339–340.

[35] The present order of 1–38 has been regarded as a proemial sequence by some: cf. Jacoby 1961: 351–395 (who excludes 5–10, however); Pohlenz 1932: 415–422; Hasler 1959: 13–33. Against this view, see Kroll 1936: 1–48, 67–83, and Steffen 1968: 11. West (1974: 56) interprets the citation of Xenophon in Stob. 4.29.53 to indicate that the collection available to him began with 183–192, but surely what ἄρχεται γὰρ πρῶτον ἀπὸ τοῦ εὖ γενέσθαι means is not that the collection began with this poem on good birth, but that good birth is the starting point for the moral wisdom imparted by Theognis' poetry: without having good ancestry to begin with, one cannot learn the aristocratic wisdom Theognis conveys.

I believe that proper comprehension of this poem's significance has been hindered by critical failure to identify its true endpoint. Most critics envision the poem as only 19–26, but West prints it as 19–30, which is the unit Ford assumes; Edmunds assumes 19–26, but admits that 19–30 is possible.[36] The manuscripts are generally unreliable when it comes to poem divisions: three of the four mark the division between lines 28 and 29, however this break produces a very odd beginning for the next poem and is accepted by no modern editor.[37] The best Theognis manuscript (X) marks no division here, but treats all of 19–38 as a unit, and this has been accepted by a small minority of scholars, including Jacoby, van Groningen, Steffen, and most recently Friis Johansen.[38] It is also the text printed both in the old Loeb edition of Edmonds and the excellent new Loeb of Gerber. This is the view that I believe is right, so let us quote 27–38:

σοὶ δ' ἐγὼ εὖ φρονέων ὑποθήσομαι, οἷάπερ αὐτὸς
  Κύρν' ἀπὸ τῶν ἀγαθῶν παῖς ἔτ' ἐὼν ἔμαθον.
πέπνυσο, μηδ' αἰσχροῖσιν ἐπ' ἔργμασι μηδ' ἀδίκοισιν
  τιμὰς μηδ' ἀρετὰς ἕλκεο μηδ' ἄφενος.
ταῦτα μὲν οὕτως ἴσθι· κακοῖσι δὲ μὴ προσομίλει
  ἀνδράσιν, ἀλλ' αἰεὶ τῶν ἀγαθῶν ἔχεο·
καὶ μὲν τοῖσιν πῖνε καὶ ἔσθιε, καὶ μετὰ τοῖσιν
  ἵζε, καὶ ἅνδανε τοῖς, ὧν μεγάλη δύναμις.
ἐσθλῶν μὲν γὰρ ἄπ' ἐσθλὰ μαθήσεαι· ἢν δὲ κακοῖσι
  συμμίσγῃς, ἀπολεῖς καὶ τὸν ἐόντα νόον.
ταῦτα μαθὼν ἀγαθοῖσιν ὁμίλει, καί ποτε φήσεις
  εὖ συμβουλεύειν τοῖσι φίλοισιν ἐμέ.

To you, Cyrnus, I shall present advisory aphorisms, intending well, such as I myself
  Learned from noble and good men when I was a boy.
Be prudent, and do not on the basis of shameful or unjust deeds
  Draw to yourself honors or success or wealth.
So on the one hand know these things that I have advised you. On the other hand don't associate
  With base men, but always hold fast to good men.

[36] Ford 1985: 82–83; Edmunds (1997: 35) who admits that 27–30 at least belong to the same context.

[37] However, Pohlenz (1932: 422) does seem to mark a division here, although admitting that 29–38 is also part of the proemial sequence.

[38] Jacoby 1961: 372–376; van Groningen 1966: 25–26; Steffen 1968: 18–19; Friis Johansen 1991: 6–12. Even some critics who consider 19–26 and 27–38 separate poems regard the *men* of 19 and *de* of 27 as responsive and therefore see the two poems as closely linked: cf. Harrison 1902: 237–247; Hasler 1959: 24–27; Carrière 1975: 143.

> Both drink and eat among these, and sit among these,
> And please them, whose power is great.
> For you will learn noble and good things from noble and good men,
> But if you mingle with base men, you will lose even what sense you already have.
> Learning these things keep the company of good men, and at some future time you will say
> That I advise my friends well.
>
> (Thgn. 27–38)

Friis Johansen advances a number of arguments in favor of 19–38 as a single poem. First, if we limit the poem to 19–26, the opening μὲν of line 19 has no suitable δέ as its complement. Those commentators who have tried to locate one usually point to the δέ in 24,[39] but the real antithesis implicit in that line is not with line 19, but with 23, the hexameter line inside its own couplet: Theognis is famous in the pan-Hellenic sphere, but doesn't yet please his fellow Megarians. A far better complement to the μὲν ἐμοί of 19 is the σοί δ' placed emphatically at the beginning of 27. Not only do we have a clear parallelism of dative pronouns, but the two pronouns articulate the poem into distinct sections expressing the I-thou relationship between Theognis and Cyrnus: here is *my* poetry, on the one hand, and here is what *you* can learn from it, on the other hand. The verb of 27, ὑποθήσομαι, bears a programmatic significance that makes it properly belong to Theognis' introductory reflection on his art: what it really means is, "I will give you a collection of *hypothêkai*," in other words nuggets of wisdom like the often-cited *Hypothêkai of Chiron*.[40] Some commentators have observed that the twin moral lessons of 26–38, namely avoiding gain from unjust deeds (29–30) and keeping company with the right men (31–38), are exemplary for the content of the following elegies.[41] I would add to Friis Johansen's arguments the further observation that the *men/de* also articulates an antithesis between written and oral transmission of wisdom. As we have seen, the seal is a metaphor for writing, but lines 27–28 emphasize that Theognis himself learned his wisdom not from written

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39 For example, Edmunds 1997: 33–36, but he admits that the *de* of 27 is possible. Kroll (1936: 91–96) devotes great effort to proving that *de* may begin a poem, but is far less convincing in his argument that the *de* of either 20 or 22 can form an antithesis to the *men* of 19.

40 For the significance and influence of the genre of *hypothêkai* and this collection in particular, see Friedländer 1913: 558–616, especially 571–572; Bielohlawek 1940; Martin 1984: 32–33; Kurke 1990: 90–103, with further references in 92 n. 31 and 93 n. 34.

41 Cf. Pohlenz 1932: 422; Hasler 1959: 30–31; Steffen 1968: 18–19.

texts, but from other good men when he was a boy, and 31–38 make it clear that what he means is learning by direct personal contact in the environment of the symposium, a purely oral form of communication.

West, followed by Ford, believes that the poem ends with line 30. The problem with this division, however, is that ταῦτα is an awkward beginning for the next poem, since ταῦτα generally refers to what precedes and τάδε to what follows. West therefore posits a lacuna before line 31.[42] But it is surely a more attractive solution to join 31–38 to the preceding lines and have ταῦτα refer to the advice of 29–30. Friis Johansen adduces several Homeric parallels for ταῦτα as a summary term capping a short piece of advice and transitioning to a longer *parainesis*.[43] I would add that ταῦτα μέν cannot possibly refer to what follows, since line 31 is itself bisected by a *men/de* antithesis: "know these things, on the one hand, the advice that I give you, a good man who heard it from good men, but on the other hand, don't associate with bad men …" What follows is a series of reiterations of this point, as in lines 35–36, which repeat the same *men/de* antithesis, as the *men*-clause exhorts Cyrnus to follow Theognis' own example and learn good things from good men, while the *de*-clause warns what will happen if he associates with the bad. The repetition of the verb μανθάνω from 28 and the reminiscence of ἀπὸ τῶν ἀγαθῶν in ἐσθλῶν μὲν γὰρ ἀπ' establish a clear parallel between what Theognis did as a boy and what he now exhorts Cyrnus to do.[44] The final couplet in 37–38 first recapitulates the exhortations of 31–36 by saying ταῦτα μαθὼν ἀγαθοῖσιν ὁμίλει, but then takes us back to 27–30 by evoking the specific interpersonal relationship of Theognis advising Cyrnus. The future expression ποτε φήσεις implies that Cyrnus will one day in turn speak of the good advice he received as a boy from older men like Theognis, even as Theognis now speaks of what he learned from the last generation. This expression not only echoes 27–28, but also 22, where we also have a future verb of speaking: in 22, everyone will proclaim Theognis' advice poetry, whereas in 37–38 the boy Cyrnus

[42] West 1974: 150. West believes our collection mainly consists of excerpts, not whole poems.

[43] Friis Johansen 1991: 23–25.

[44] Kroll (1936: 102) faults 27–38 as repetitive and wooden, and accordingly concludes that they cannot belong to the same poem as the more polished 19–26. But if we see the development in terms of such parallelism and reinforcing summations, the awkwardness disappears. See Jacoby 1961: 393–394.

will acknowledge it as good personal advice given to him. We move from the general to the particular, from a perspective that is pan-Hellenic in its sweep to the intimate relations between one man and one boy. The praise and repetition of Theognis' precepts by his implied audience, Cyrnus, is paradigmatic for what he expects in his ideal audience of aristocrats throughout the Greek world.

Finally, let me say a word about the couplet 29–30, which we have up until now ignored. By itself, this couplet is little more than a long-winded platitude, and is very unsatisfactory as the final couplet either to a four-line poem or to a twelve-line poem. It would be particularly weak as the conclusion to a programmatic manifesto such as the *sphrêgis* elegy appears to be. However, if we integrate it into the continuity of 19–38, it works fine, serving as an illustration of the kind of practical advice the boy will receive from good men like Theognis, but also as a warning of the kind of unethical greed to which he will fall prey if he associates with bad men. Clearly 27–30 cannot be separated from 31–38, and 19–26 cannot be separated from 27–30. We are dealing with one programmatic elegy, not two or three.

Recognizing that 19–38 constitutes a single poem allows a much richer and more nuanced appreciation of the interconnected ideological issues that the author wishes to explore in the corpus that follows. A direct connection needs to be drawn between the author's concern over distinguishing between bad poems and good poems in v. 21 and his exhortation to Cyrnus to distinguish between bad teachers and good teachers in vv. 31–38. Good teachers are also the ones who compose good lines of gnomic verse, and bad teachers the ones with bad lines. Given the coupled interests of 19–38 in good poetry and good moral instruction, we need not choose between the two most plausible translations of the participle σοφιζομένῳ, since this poem reveals the poet both in his capacity of "practicing poetic art" and "imparting poetic wisdom." Moreover, just as lines 31–38 focus on Cyrnus' role as an auditor choosing his companions and teachers, v. 21 also focalizes the audience's point of view in selecting poetry: as Friis Johansen has established based on contemporary usage, ἀλλάξει must mean "take in exchange," not "give in exchange."[45] So what Theognis boasts in this line is not that no one will attempt to change the gnomic poetry he publishes, but that no one in his right mind will accept alternate or misremembered

[45] Friis Johansen 1991: 15. He was preceded in this view by Jacoby 1961: 375, and Woodbury 1952: 29–30. The line is also translated this way by Gerber 1999: 179.

versions of a poem when they have a definitive written text available from which they have learned Theognis' superior lines.

As Theognis tells us in other poems, such as 53–68, what he means by "base men" are the "new men," presumably the mercantile class who have recently risen to prominence in Megara, displacing the older aristocracy from their monopoly on power.[46] And as that poem also reveals, these new men attempt to pass themselves off as "good men." These social developments are what require Theognis to commit his poems to writing: otherwise they may be stolen and claimed by others who are unworthy (as line 20 suggests), or revised and corrupted by unworthy imitators who do not actually share the same values (as line 21 implies). Continuing to rely on preservation through the age-old methods of oral transmission no longer works, since the cultural capital of poetry, like political and economic power, is no longer the monopoly of the old aristocracy and can now easily be hijacked by others with different agendas.

However, the anxiety about his poetry being assimilated and transformed by the upstart classes is balanced by another concern that written dissemination raises, namely that his poetry becomes universally accessible: note the quadruple repetition of πᾶς in lines 22, 23, 24, and 26, each time referring to the audience. While universal accessibility will on the one hand guarantee the author's pan-Hellenic fame, as line 23 reveals, Theognis is also quite aware that his work will now reach the eyes and ears of some people who do not share his values and will not like it, as lines 24–26 emphasize. Heraclitus, in the prologue to his aphoristic wisdom collection (fr. 1D–K), which was unquestionably a written text, expresses the same concern about a text that will now become available to all, but not understood by all. In 27–28, Theognis counterbalances this loss of personal control over his audience with the observation that he himself learned the moral content of his wisdom poetry not through written texts, but through traditional oral-aural transmission, namely by listening to good men when he was a boy; 29–38 exhort Cyrnus to follow his example. This emphasis on teaching wisdom through one's personal example and presence, embodied also in Theognis' self-fashioning as Cyrnus' lover and mentor, provides a counterpoint to the potentially depersonalized and remote teaching

[46] For the full range of moral and political associations embodied in Theognis' use of these terms, see Cerri 1968: 7–32. For 53–68 as directed against the mercantile class, see Kurke 1989: 535–544.

that a written text offers. Lines 33–34 make it clear that the symposium is the scene for this type of personal instruction and eros; it is therefore presumably also the setting Theognis envisions for the performance of his wisdom and erotic poetry.[47] Only there can the depersonalized written text be reanimated with the warmth of personal presence.

That Theognis includes this sympotic imagery within his program poem would tend to confirm the thesis of Wolfgang Rösler and others that his book was intended to provide a series of ready-made epigrams for readers to memorize and then recite at aristocratic symposia throughout the Greek world.[48] Every aristocratic male who sits on a banquet couch reciting one of these elegies becomes another Theognis, and the handsome youth beside him becomes another Cyrnus.[49] As we have seen, the political situation described in these elegies is for the most part so generic that it could apply to virtually any Greek city of the time. Where was there not strife between aristocrats and *dêmos*, between blue bloods and *nouveaux riches*? Although Theognis may have conceived his political elegies in a context just as local and time-determined as that of Alcaeus, unlike Alcaeus he avoids any mention of epichoric names or particular details that would prevent a pan-Hellenic audience from reapplying his precepts to their own local situations.

As I argued in the previous volume in this series,[50] strong claims of immediate pan-Hellenic fame and poetic immortality, such as we find in both Theognis and Pindar, must be associated with written dissemination, which would originally take the form of a gift-exchange economy of books being sent back and forth among the literate aristocrats of various cities. In many ways these cosmopolitan aristocrats had more values in common with each other than with their fellow citizens, as Theognis himself implies in 23–24. The transition from oral to written is not something that suddenly occurred one day late in the fifth-century, as some might imagine, but was a gradual process that transpired over many generations.

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[47] For the symposium as a microcosm of the political world and therefore the ideal scene for Theognis' political instruction, see the interesting essay of Levine 1985: 176–196.

[48] Rösler (1980: 87–88) elaborating a thesis briefly outlined by Reitzenstein 1893: 85–86.

[49] For a similar conclusion concerning the dynamics of sympotic recitation as a form of reenactment and assertion of class solidarity, see Edmunds 1988: 91.

[50] Hubbard 2004: 71–93.

In many ways, what Theognis accomplished in his book was revolutionary. Unlike previous poets who were content to attach their renditions or collections of traditional oral-derived poetry to the names of venerable ancient authorities like Homer, Hesiod, Solon, Musaeus, or Orpheus, we here have the example of an otherwise unknown figure claiming, by the mere fact of publishing a poetic collection, to make himself known to all the Greeks and make his beloved addressee known for all time (in 237–254). This claim outstrips even the boldness of encomiastic poets like Ibycus (fr. 282.46–48 PMG) and Pindar (*Olympian* 1.115–116), who declare that their fame and that of their patrons Polycrates and Hieron will survive in tandem; Pindar and Ibycus at least yoke their chariots to the horses of independently famous (or infamous) *laudandi*, whereas Theognis' audacity goes one step further by elevating both himself and his otherwise unknown *laudandus/erômenos* to lasting pan-Hellenic fame just in virtue of the book's appearance and circulation. This claim almost reaches the level of Aristophanes' humorously self-important proclamations of fame extending to the king of Persia (*Acharnians* 646–651) and Herculean feats of courage (*Wasps* 1030–1037, *Peace* 752–760) in his parabases.[51] Although subsequent history did not permanently separate Theognis' work from that of later poetasters, it is unclear that this was actually the *sphrêgis*' goal: Theognis might have considered such emulation the sincerest form of flattery, putting himself on a level with Homer, Hesiod, Solon, and the other classics. The *sphrêgis* did to a substantial degree succeed in its two explicitly announced objectives, preventing any of his genuine poems from being claimed by another (20) or corrupted by revisionist tampering (21).[52] As such, Theognis' proud boasts were not altogether unjustified.

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[51] For such boasts as a form of self-conscious *alazoneia*, see my remarks in Hubbard 1991: 7–8.

[52] The vexing problem of the "doublets" might appear to contradict Theognis' confidence, but as West (1974: 43) notes, most of these are concentrated at the end of our collection, between 1038a and 1184b, suggesting that the Hellenistic editors had already segregated most of these apart from what they received as genuine, perhaps based on copies of what they regarded as Theognis' original collection. These doublets may have arisen either from originals that formed part of the oral tradition before Theognis (see Nagy 1985: 46–51) or misquotation by memory.

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THUCYDIDES' *HISTORY* LIVE: RECEPTION AND POLITICS

James V. Morrison

Who read Thucydides' *History*? What were the circumstances of that reception? Was Thucydides' *History* meant for readers or auditors? Scholarly opinion on this topic has reached no consensus. Some have gone so far as to argue that Thucydides "created a work designed primarily for—indeed, only fully comprehensible by—the reflective reader."[1] Thomas, however, cautions that the difficulty of Thucydides' style does not necessarily imply a text for readers alone: "his complex, antithetical style is closely akin to that of the contemporary Sophists …and they certainly set great store by performance and recitation."[2] My focus in this paper will be the reception of Thucydides' work. A larger purpose is to look back to Eric Havelock and his *Preface to Plato* (1963).[3] While I do not question the importance of Plato in terms of the transition from a predominantly oral culture in Athens in the fifth century to what became more of a reading culture in the fourth century, I would like to give more prominence to Thucydides who not only confronts similar problems to those of Plato but in fact precedes him.

Modern Homeric scholars make use of three types of evidence to assess the question of orality and literacy in the composition, performance, and reception of the *Iliad* and *Odyssey*. The first type of evidence is stylistic analysis of the poems—examining the hexamater line, noun-epithet pairs, typical scenes, and so on; the second type derives from internal scenes within the epic, in which professional singers (and those compared to singers) perform and interact with their audiences; the third type of evidence comprises the largely twentieth-century comparanda of oral singers, beginning with the South Slavic singers studied by Parry and Lord.[4]

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[1] Crane 1996: 7.
[2] Thomas 1992: 104.
[3] Havelock 1963; his work continues in Havelock 1982 and 1986.
[4] All such research begins with Parry 1971 and Lord 2000.

Two of these three approaches will be adopted in order to address the question of the reception of Thucydides. Leaving aside the first approach (a stylistic analysis of the speech and narrative of Thucydides' work), I will look at internal scenes within Thucydides' *History* and other comparable situations—not from the twentieth century, but rather from the fourth century BCE. In particular, Plato's works and testimonia about the Academy will prove valuable. The theme of this volume, the politics of orality, must be addressed, for this bears on the question of Thucydides' audience. I begin with a quick survey of Thucydides' explicit remarks on sources and the status of his *History*.[5]

Thucydides' Sources

Thucydides mentions a variety of sources. These include autopsy; oral sources—both oral report and oral tradition; and written sources—inscriptions, letters, treaties, and the works of other historians. For example, concerning his account of the plague, Thucydides emphasizes autopsy: "I myself caught the plague and saw others suffering from it myself" (αὐτός τε νοσήσας καὶ αὐτὸς ἰδὼν: 2.48.3). In his section on method, the historian mentions both autopsy and oral report for both speeches and events:

> It was difficult to recall what precisely was said both for me regarding speeches *I heard myself* (αὐτὸς ἤκουσα) and for my informants reporting to me about speeches made elsewhere…About the actions of the war, however, I considered it my responsibility to write neither what I learned from the chance informant, nor to reconstruct events according to ideas of my own, but rather from examining what *I witnessed myself* (αὐτὸς παρῆν) and what I learned from others with the utmost possible accuracy in each case. (1.22.1–2)[6]

Certainly Thucydides himself may have been a witness to many events between the years 431–424; he also would have received reports on speeches and events in this early period. For the rest of the war—after his exile in 424—information on the war must have been reported

[5] This paper builds on an earlier exploration of Thucydides with respect to sources, memory, and explicit remarks on the role of writing, presented at the Orality conference in Melbourne (2002): see Morrison 2004.

[6] Translations of Thucydides are based on Lattimore's Thucydides 1998.

to him by others. It is probably a fair assessment to say that the primary source of Thucydides' *History*—for the war itself—consists of oral reports by witnesses to speeches and events.

The Status of Thucydides' History

While Thucydides explicitly comments on the oral sources used to compose his *History*, he presents his work as a written document, using the verb *graphô* self-referentially. For example, note the third word of the *History*: "Thucydides the Athenian *wrote down* (ξυνέγραψε) the war" (1.1.1). In addition, Thucydides brings a year of the war to an end with a near-formulaic sentence twelve times in the *History*. For example, "And a second year finished for this war *which Thucydides wrote down*" (ὃν Θουκυδίδης ξυνέγραψεν: 2.70.4).[7] The recurrent appearance of this basic expression serves as a reminder not only of the authorship of this work, but also highlights the fact that this is a written document.

Oral vs. Written

This brings us to the advantages of written communication over oral reports. Thucydides' awareness of the value of writing is reflected in an interesting passage from book 7. When Nicias sends a letter to the Athenians from Sicily in 414, Thucydides infers the general's motivations for employing a letter rather than trusting the oral report of a messenger:

> Because [Nicias] was afraid that the men he sent would not report the facts, *whether because of incompetence in speaking, failure of memory, or speaking to please the crowd* (ἢ κατὰ τὴν τοῦ λέγειν ἀδυνασίαν ἢ καὶ μνήμης ἐλλιπεῖς γιγνόμενοι ἢ τῷ ὄχλῳ πρὸς χάριν τι λέγοντες), he wrote a letter, believing that this would be the best way for the Athenians to learn his opinion—with nothing lost in the transmission—and to deliberate about the true situation. (7.8.2; cf. 7.14.4)

Nicias sends a letter—a written document—out of fear that an oral report would distort his message. What are emphasized here are the *disadvantages* of oral communication: the lack of proficiency in speak-

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[7] See also 2.103.2, 3.25.2, 3.88.4, 3.116.3, 4.51, 4.104.4, 6.7.4, 6.93.4, 7.18.4, 8.6.5, 8.60.3; cf. 1.22.2, 1.97.2, 2.1, 4.104.

ing, lapses of memory, and the temptation to curry favor with a large audience. Yet this passage also promotes the advantages written communication possessed in contrast to oral report, consisting of a "triad" of skill, fixed remembrance, and objectivity. In his book *Ancient Literacy*, Harris argues: "we may gain the impression here that both Nicias and Thucydides had made a discovery"—namely, the superiority of writing over trusting to a messenger's memory and later oral report.[8]

The sketch presented above reveals both oral and written dimensions to the *History*. It derives primarily from oral sources, yet stands as a self-proclaimed written document, with Thucydides recognizing clear advantages to written over oral communication. Writing alone does not guarantee accuracy (Hellanicus' history is inaccurate—1.97.2), but in combination with a rigorous examination of sources, access to both sides, and years of research (5.26), Thucydides proclaims the superior potential of writing.

The Reception of Thucydides' Work

Read Aloud, Heard, and Discussed

While the *History* stands as a written document, it is plausible that Thucydides envisioned both readers and auditors for his work. Let us return to book 7, this time with special attention to the reception of Nicias' letter. When the letter arrived in Athens, it was *read aloud* by a secretary (*grammateus*) and *heard* by the Athenians:

> The secretary of the city came forward and read it (ἀνέγνω) to the Athenians, disclosing the following…So much the letter of Nicias disclosed, but when the Athenians heard it (ἀκούσαντες), they did not release Nicias from his command. (7.10, 7.16.1)

I would suggest that circumstances analogous to these *to some extent* may have existed for the reception of Thucydides' own work. In a group setting, we might imagine that one of those present would read aloud from the text of Thucydides' *History*; the rest would listen. The intended audiences would be multiple (both reading and listening), yet the experience for the majority would be aural—through the ear. The group would have the option of responding by joining in the

[8] Harris 1989: 78.

debate, making pointed objections not raised by Thucydides' speakers, or advocating a better argument or strategy. This proposal of multiple audiences envisions an interactive social setting in which Athenian (and perhaps other) citizens would listen critically and engage in serious oral debate concerning the political and historical issues raised.[9]

Though Thucydides may claim that his written work is superior to oral reports, access and reaction to the *History* may have been largely oral for those who both heard it and could respond to it in spoken discourse. In support of this, I refer once again to Thucydides' section on Method. Just before he describes his work as a "possession forever," he recognizes that some who *hear* his work may find it less than pleasurable: "And the results, without patriotic storytelling, will perhaps seem *the less enjoyable for listening*" (καὶ *ἐς μὲν ἀκρόασιν* ἴσως τὸ μὴ μυθῶδες αὐτῶν *ἀτερπέστερον* φανεῖται: 1.22.4). Here the historian acknowledges that people will be listening to the *History*.

Pleasure vs. Utility and Truth

In the passage cited above (1.22.4), Thucydides also contrasts the pleasure of hearing certain works to the usefulness and truth of the *History*. As he acknowledges, his own work will appear "less likely to give pleasure" (*aterpesteron*), yet it may be judged "useful" (*ophelima*: 1.22.4). Earlier Thucydides criticizes the logographers who offer what is "composed to please the ear rather than to state the truth" (ἐπὶ τὸ προσαγωγότερον τῇ ἀκροάσει ἢ ἀληθέστερον: 1.21.1; cf. 6.8.2). Not only is Thucydides' work less than delightful to listen to but he emphasizes the difficulties he had to overcome. His audience also confronts these obstacles; this leads to another contrast.

The Target Audience: The Few vs. The Many

In addition to promoting usefulness and truth over pleasure, Thucydides suggests that his target audience will be small. In several passages, Thucydides distinguishes between the few and the many. Thucydides insists upon the extensive labor he has expended on analyzing his intel-

[9] Regarding the question of who was actually reading, I am not maintaining that it was necessarily Thucydides himself. On the topic of the "absent author," see Yunis 2003.

ligence (1.1.3, 1.22.3), yet others are likely to receive reports uncritically or avoid the toil needed to attain the truth: "The search for truth is so devoid of effort *for the many* (τοῖς πολλοῖς) that they would rather turn toward what is readily available" (1.20.3; cf. 1.20.1).

In part, statements such as these are polemical and serve to emphasize Thucydides' own critical examination of evidence. Edmunds has explored these dichotomies—pleasure vs. utility and the few vs. the many—and reads this latter contrast in political terms: "The words Thucydides uses to describe those who are content with untruth (*to plethos, hoi polloi*) are unmistakably political."[10] Thus far our reconstruction posits that Thucydides' *History* was read aloud and heard by a select group—perhaps of elite political and social standing—seeking valuable history as opposed to a multitude in pursuit of delight.

While Thucydides clearly recognizes the possibilities of written report and proclaims his own work to be of that status, there is no compelling reason to think that Thucydides felt access by a silent reader was superior to that of a critical listener. In addition to the model of Nicias' letter (read aloud to the Athenian assembly) and Thucydides' own explicit remarks on those who "hear" his work, there is contemporary evidence that may bear on this question: the reception of Plato's dialogues.

The Analogy with Plato

Plato's works appear less than a generation after Thucydides' *History*. While we can only speculate regarding the reception of both these writers, there is evidence in Plato (and later testimonia) that Plato's works were meant to be heard and interacted with along the lines I have suggested for Thucydides' *History*. This practice evidently reflected Athenian culture at large.

Plato's works would very likely have been read aloud and discussed. In Plato's *Phaedo*, Socrates described how he heard someone else reading aloud from Anaxagoras' book:

> Then one day I heard a man reading from a book (ἀκούσας μέν ποτε ἐκ βιβλίου τινός … ἀναγιγνώσκοντος), as he said, by Anaxagoras, that it is the mind that arranges and causes all things. (Pl. *Phaedo* 97b–c)

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[10] Edmunds 1993: 847; he also comments that "democracy is given to the pleasures of the moment;" cf. de Romilly 1966. On the elite audiences of Herodotus and Thucydides, see Flory 1980 and Momigliano 1978.

Diogenes Laertius recounts how both Antisthenes and Plato read aloud from their own written works:

> It is also said that Antisthenes, being about to read aloud something that he had written (μέλλων ἀναγινώσκειν τι τῶν γεγραμμένων), invited [Plato] to be present…And Favorinus says somewhere that, when Plato read (ἀναγινώσκοντι) the dialogue *On the Soul*, [Aristotle] alone stayed to the end, while the rest of the audience got up and left. (Diog. Laert. 3.35, 3.37; cf. Xen. *Memorabilia* 1.6.14)[11]

In Plato's *Parmenides*, Zeno reads aloud from his written works to a gathering:

> So Zeno himself read aloud (ἀναγιγνώσκειν) to them… Socrates listened to the end, and then asked that the first proposal of the first argument be read again (τὸν οὖν Σωκράτη ἀκούσαντα πάλιν τε κελεῦσαι τὴν πρώτην ὑπόθεσιν τοῦ πρώτου λόγου ἀναγνῶναι). When Zeno had done this (καὶ ἀναγνωσθείσης), Socrates said: "Zeno, what do you mean by this? That if the things which exist are many, they must be both like and unlike, which is impossible; for the unlike cannot be like, nor the like unlike? Is not that your meaning?" "Yes," said Zeno. (Plato, *Parmenides* 127c–e)[12]

The historicity of the dialogues is not at issue—whether Zeno actually read at Pythodorus' house or whether Socrates was present. The important point is that in the first half of the fourth century, this sort of interaction was not exceptional. Not only does Zeno read aloud but Socrates requests that Zeno read a particular passage for a second time, provoking an extended discussion. Looking at such evidence, Thomas comments, "A single text may be read aloud to a gathering of people and discussed…Perhaps we are also glimpsing the peculiarly communal way in which ideas were presented in classical Athens, which meant that reading to a group was quite natural."[13]

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[11] Translation from Hicks' Diogenes Laertius 1972.

[12] Translation from Perseus 2.0.

[13] Thomas 2003: 166. Hershbell 1995 believes that one function of written works was to stimulate oral discussion: "Plato nowhere wrote down his most serious thoughts, and his negative views on the usefulness of writing may explain his choice of the dialogue form: written works need the 'help' from verbal discussion, oral debate, and a lively exchange of ideas" (37).

The Fourth-Century Reception of Thucydides: The Academy and Lyceum

So who actually read, heard, and discussed Thucydides' work? In "The Fourth-Century and Hellenistic Reception of Thucydides," Hornblower surveys the various students, thinkers, and writers who were influenced by Thucydides' *History*. In addition to Xenophon who continued the *History* and Demosthenes, Hornblower argues that Thucydides was studied in the Academy and the Lyceum.[14] The best case for influence is found by comparing Thucydides' account of the Corcyrean civil war (3.82–83) with Plato's discussion of constitutional change in *Republic* book 8—in particular, the section on the transformation of language as the soul changes from an oligarchic to a democratic soul. In the *Republic*, the desires competing for the young man's soul rename familiar concepts:

> "Doing battle and controlling things themselves, *won't they* [the desires competing for the young man's soul] *call reverence foolishness and moderation cowardice* (τὴν μὲν αἰδῶ ἠλιθιότητα ὀνομάζοντες ... σωφροσύνην δὲ ἀνανδρίαν καλοῦντες), abusing them and casting them out beyond the frontiers like disenfranchised exiles? *And won't they persuade the young man that measured and orderly expenditure is boorish and mean* (μετριότητα δὲ καὶ κοσμίαν δαπάνην ὡς ἀγροικίαν καὶ ἀνελευθερίαν οὖσαν πείθοντες), and, joining with many useless desires, won't they expel it across the border?" "They certainly will."
>
> "Having thus emptied and purged these from the soul of the one they've possessed and initiated in splendid rites, they proceed to return insolence, anarchy, extravagance, and shamelessness from exile in a blaze of torchlight, wreathing them in garlands and accompanying them with a vast chorus of followers. They praise the returning exiles and give them fine names, *calling insolence good breeding, anarchy freedom, extravagance magnificence, and shamelessness courage* (ὕβριν μὲν εὐπαιδευσίαν καλοῦτες, ἀναρχίαν δὲ ἐλευθερίαν, ἀσωτίαν δὲ μεγαλοπρέπειαν, ἀναίδειαν δὲ ἀνδρείαν). Isn't it in some such way as this that someone who is young changes, after being brought up with necessary desires, to the liberation and release of useless and unnecessary pleasures?" "Yes, that's clearly the way it happens." (Pl. *Republic* 560c–561a)[15]

In Plato, we find a type of civil war (*stasis*) in the soul of the young man. In Plato's apparent model—book 3 of the *History*—Thucydides describes civil war (*stasis*) in the city of Corcyra. Again language—and what it refers to—undergoes a transformation:

[14] Hornblower 1995.
[15] Translation from Grube's Plato 1992.

> And in self-justification men inverted the usual verbal evaluations of actions (καὶ τὴν εἰωθυῖαν ἀξίωσιν τῶν ὀνομάτων ἐς τὰ ἔργα ἀντήλλαξαν τῇ δικαιώσει). Irrational recklessness was now considered courageous commitment, hesitation while looking to the future was high-styled cowardice, moderation was a cover for lack of manhood, and circumspection meant inaction, while senseless anger now helped to define a true man, and deliberation for security was a specious excuse for dereliction. The man of violent temper was always credible, anyone opposing him was suspect. The intriguer who succeeded was intelligent, anyone who detected a plot was still more clever, but a man who made provisions to avoid both alternatives was undermining his party and letting the opposition terrorize him. (Thuc. 3.82.4–5)

Rutherford calls this "probably…the best candidate for actual imitation of the *History* by Plato."[16] To be sure, the relationship between Plato and Thucydides is not a simple one. Yunis has recently argued that Plato's *Gorgias* and *Republic* contain a critique not only of Pericles, but specifically of the Thucydidean Pericles.[17] As far as Aristotle is concerned, Hornblower mentions both Aristotle's *Politics* and the *Constitution of the Athenians* making use, in particular, of Thucydides' account in book 8 of the events from the year 411.[18]

All this suggests that Thucydides' work was read, studied, and responded to by Plato, Aristotle, and their students. I am certainly not arguing that Plato agreed with Thucydides in terms of politics, philosophy, or his stance on the value of writing. In fact, it may well be that Plato—in the *Phaedrus* and perhaps even the *Protagoras*—is engaged in a polemic directed at Thucydides' claims about writing and its potential. In terms of reception, however, the two writers may well been aiming at similar audiences.

The goal for Plato, Aristotle, and their students was not purely theoretical. In an article on the Academy, Baltes maintains that these fourth-century schools were more than think-tanks. Neither the Academy nor the Lyceum was divorced from the world of active politics:

> Plato sought to win over Dionysius II of Syracuse for philosophy, and to fashion from him the Platonic ideal of a philosopher king. Aristotle was engaged as tutor for Alexander the Great. Various members of the Academy had freed their homelands from tyranny, others gave new constitutions to cities which requested them, and again others accepted

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[16] Rutherford 1995: 67.

[17] See Yunis 1996: 136–171.

[18] On the constitution of the 400, see *Constitution of the Athenians* 29–33; for a discussion of Pericles and Cleon, see sections 27–28.

> public office, and so on. We see that it was not feeble theoreticians who lived together in the Academy at that time—they exerted powerful influence outside. The philosophy, then, of Plato and his associates was no bloodless affair, but an extremely living thing.[19]

A primary goal of both Thucydides' *History* and Plato's dialogues may well have been to provoke discussion (and action) from the audience.[20] This scenario envisions a sort of "feedback" loop: oral reports constitute the primary raw material of Thucydides' *History* (just as Socrates' conversations inspired Plato's dialogues); Thucydides' work itself is superior to oral reports, because it results from testing, years of work, and the permanence of writing; but access and reaction to the *History* may have been largely oral for those who heard it and could respond to it in spoken discourse—in the philosophical schools and elsewhere.

The sort of examination modern scholars engage in—silent reading of a codex and flipping back and forth to check cross-references—would have been tremendously complicated by a work consisting of cumbersome papyrus rolls. We would do better to imagine a group listening together and discussing passages (and sharing recollections of earlier passages) in order to come to grips with Thucydides' work. Remember Thucydides' original characterization of the Peloponnesian War: it is a war "most worth recording" (*axiologôtaton*: 1.1.1), or strictly speaking, "most worthy of *logos*." Given the historical context, he may mean that this war is most worthy of speech, discussion, and analysis—both written and spoken.

Agônisma and Oral Performance: Epideixis vs. Dialogue and History

At 1.22.4, Thucydides employs an unusual expression to describe what he has produced. He contrasts the *History* as a "possession forever" (κτῆμά τε ἐς αἰεὶ) with "a competition piece *to be heard* for the moment" (ἀγώνισμα ἐς τὸ παραχρῆμα *ἀκούειν*). This passage may appear to suggest that the permanence of writing allows the *History* to transcend the momentary existence of a competitive speech. But first, what are we to understand by the term *agônisma* ("competition piece") which Thucydides uses to characterize other work but not his?

[19] Baltes 1993: 18; cf. also Hornblower 1987: 121–124.

[20] On possible performances of Plato's dialogues, see Blundell 2002: 23–25; on Plato's intended audience, see 25–27; on stimulating the audience's engagement, see 47–48; cf. Ryle 1966: 23–32; see also Robb 1997 and Smith 1997.

At this point, we need to distinguish among different types of oral performance. One type was the display piece, the *epideixis* of the sophist—for example, a performance by Prodicus of "The Choice of Heracles" or an epideictic speech by Gorgias or Protagoras. The goal of *epideixis* was to impress and dazzle the audience, not to elicit discussion on the part of the listeners. Thomas sees this as Thucydides' target:

> It was perhaps this agonistic, display-oriented mode of exchanging and discussing ideas against which Thucydides reacted so energetically when he declared that his work was going to be no mere *agônisma*, no competitive piece for the immediate pleasure of the listeners (I 22.4).[21]

This sort of display-oriented speech, I would argue, is quite different from the sort of engagement Platonic dialogues elicit, which probably were read aloud and discussed. Just as it is legitimate to distinguish between sophistic *epideixis* and Platonic dialogue (although both were in some sense oral performance texts which were read aloud), in a similar way—by using the term *agônisma* ("competition piece")—Thucydides may be distancing his work from such display pieces.[22]

Yet Thucydides could still expect that his work be read aloud. The difference would be the anticipated reaction from the audience. Unlike *epideixis* or competitive oratory, Thucydides would expect his work to be read aloud, with subsequent oral response and debate. Indeed, this distinction between *epideixis* and serious discussion appears in book 3 of Thucydides' *History* when Cleon condemns the Athenian assembly for the pleasure (*hêdonê*) it takes in listening: they are like spectators of sophists rather than being engaged in weightier discussion:

> "In short, overcome by the pleasure of listening, you are *like men seated for entertainment by sophists* (σοφιστῶν θεαταῖς ἐοικότες) rather than *for deliberating about the city* (περὶ πόλεως βουλευομένοις)." (3.38.7)

In this *one* instance, Thucydides may well find himself in agreement with Cleon, who argues against the mere "enjoyment" of listening when more serious matters are at stake.

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[21] Thomas 2000: 267. For a valuable exploration of "oral style," see Gagarin (1999) who argues that oral style features ring composition, parallelism, and parataxis, while written style contains analysis and generalization. An application of such criteria to various sections of Thucydides' work might prove illuminating on the question of the performance and reception of Thucydides' *History*.

[22] On the various uses of written texts, see Thomas 2003: 171: "We may at least ask whether a written text was for the author's own record only, for the author to use for revising, for the author to memorize and perform from, or for the author to send out into the wider world and allow to be replicated and sold."

The Difficulty of Thucydides

The question also arises about what was actually read—was it Thucydides' *History* cover to cover (scroll by scroll) or is it more likely that excerpts were read? This topic relates to the difficulty of Thucydides' work. In order to infer what may have been read to a particular audience, we should begin by acknowledging the extreme difficulty of at least some of the passages in Thucydides. Dionysius of Halicarnassus comments that certain sections are almost impossible to understand:

> I shall pass over the fact that if people spoke like this, not even their fathers or mothers could bear the unpleasantness (ἀηδίαν) of listening to them: they would need an interpreter, as if they were listening to a foreign tongue…for the number of men who can understand the whole of Thucydides can easily be counted, and even these cannot understand certain passages without a linguistic commentary (ἐξηγήσεως γραμματικῆς). (*On Thucydides* 49, 51)[23]

So says Dionysius who comes four centuries after Thucydides, yet he is a native speaker of Greek. Of course not all of Thucydides' work is equally difficult. We might distinguish between passages such as the Archaeology and maybe the Melian Dialogue from tougher going found in the Funeral Oration and elsewhere. In fact, this is what Dionysius does. He judges the description of civil war (*stasis*) in Corcyra (3.82.3) to be "tortuous and difficult to follow" (σκολιὰ καὶ δυσπαρακολούθητα: 29), while he praises the exchange between the Plataeans and the Spartan King Archidamus (2.71–75) for its "purity, lucidity, and brevity" (λέξει … καθαρᾷ καὶ σαφεῖ καὶ συντόμῳ: 36).

Once again I would return to a possible analogy with Plato's work. In his book *Plato and the Socratic Dialogue*, Kahn makes an interesting argument about the degree of difficulty of Plato's dialogues. He points to the early work of Plato, such as *Protagoras*, *Meno*, and *Symposium*, as:

> sustained protreptic to philosophy. As the choice of interlocutors indicates, Plato's intended audience for these dialogues includes not only professional philosophers and beginners in philosophy but also the general public, and in particular the young men in search of themselves, in

[23] Translation from Usher's Dionysius of Halicarnassus 1974. Dionysius also comments that some think that "the author [Thucydides, i.e.] was not composing these writings of his for the man in the street, the workman at the bench, the artisan or any other person who has not enjoyed a liberal education, but for those who have passed through the standard courses to the study of rhetoric and philosophy, to whom none of these usages will seem strange" (*On Thucydides* 50).

> search of knowledge, or in search of a career, men who in the fifth century would have sat at the feet of the sophists and who in Plato's own day might be tempted by the lessons of Isocrates or Antisthenes.[24]

Kahn goes on to argue that the *Phaedrus* may perhaps be the last work that Plato "designed for this wider public." The works which follow, such as the *Parmenides* and the *Theaetetus*, are "works of philosophy written for philosophers."[25]

Kahn's contention is that not all Plato's works are of comparable difficulty, nor are they all intended for the same audience. If we imagine a similar situation for Thucydides, for a less experienced audience, excerpts from the more accessible passages from Thucydides might have been read aloud and discussed. For those with more experience, readings might include the description of the Corcyrean civil war. So if we ask: who is Thucydides' audience?—there is not necessarily a single answer. What was read and discussed could well have depended upon the experience of the audience and its familiarity with Thucydides' ideas and style. We might even think of Thucydides' work—at least much of it—necessitating discussion *because* of its difficulty. In order to capture the meaning it would require auditors working as a group.[26]

Politics and the Reception of Thucydides' History

Ultimately it is valuable to distinguish between the status of the *History* as a written document and its intended audience which may have included both readers and auditors. My hope is that the analogy between Plato and Thucydides sheds some light on how Thucydides' work might have been experienced in the early fourth century. I now speculate a bit further regarding the connections among orality, literacy, and politics—in the context of classical Athens. Certainly successful politicians made use of various "democratic" venues—especially the Athenian assembly, but also courtrooms and elsewhere—to advo-

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[24] Kahn 1996: 381.

[25] Kahn 1996: 382.

[26] I have argued that the conflict over Epidamnus (1.24–55—the first episode with both speech and narrative) serves in part as a programmatic introduction for Thucydides' audience. That is, I am not fully convinced when someone speaks of excerpts, it necessarily means skipping around. Thucydides may have begun with *epideixis* (Archaeology), moved to polemic (Methodology), and then introduced a relatively easy section with speech and narrative; see Morrison 1999.

cate policies, seek favor, encourage the populace, and so on. So much in Athens in the fifth century focused on public spoken discourse, employed to their advantage by active politicians such as Pericles, Cleon, and Alcibiades.[27]

But what about those who opposed democracy? Some, such as the "Old Oligarch," Thucydides (in exile), and Plato, pursued their anti-democratic polemic by writing pamphlets, history, and dialogues. They had a variety of goals, but certainly one of these was to criticize the Athenian political system, in a sense from the outside. Writing was the means. But as we have seen, written work may not have led to a reception radically different from the practices of fifth-century oral culture. As I have argued in this paper, work by Plato and Thucydides would likely have been read aloud and discussed.

I would not insist upon a necessary connection between writing and opposition to democracy. Socrates apparently has misgivings about democratic "amateur" government, but he did *not* turn to writing; rather he engaged in spoken exchange, question and answer, and in some cases public humiliation of his interlocutor. Many who were opposed to democracy could continue talking—though this was not an option for Thucydides in exile.[28] Regarding the connection between writing and politics, I find myself in agreement with Steiner:

> It was not writing per se that was anti-democratic; it was rather that the written text was the vehicle of choice for individuals who rejected or were excluded from democratic politics.[29]

It is not surprising that students of Thucydides would have included the so-called political "dissenters" Ober examines: Xenophon, Plato, Aristotle, and other critics of Athenian democracy.[30] This leads us to the conclusion that the Academy, later the Lyceum, and probably the aristocratic homes of those with oligarchic sympathies provided the most likely locales for reading, response, and debate of Thucydides' *History*.

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[27] Of course, Aristophanes opposed many policies of Athens, yet he used the dramatic stage—another democratic forum for oral political discourse.

[28] On Thucydides' exile, see Morrison 2004: 105–110.

[29] Steiner 1994: 227.

[30] Ober 1998.

Conclusion

One final connection between Plato and Thucydides. It may be useful to distinguish between the *genesis* of their works and the *intention*. In terms of the genesis of the dialogues, Plato was inspired by the historical figure of Socrates, who did not write himself, but engaged in question and answer and serious debate on matters of concern to the city (*ta politika*). Plato's goal was in part retrospective: to recreate Socrates arguing in the agora—to bring Socrates back to life, now on the page, yet heard by members (and potential members) of the Academy. Yet Plato's purpose was not purely retrospective. He also sought to advertise the Academy and to teach others how to *do philosophy*—there's a forward-looking aspect as well.

In a similar way, Thucydides was inspired and provoked by debate in the Athenian assembly, by diplomatic negotiation, and by military strategy—(and undoubtedly, like Plato, by exchange on the dramatic stage). In part, these activities are the impetus for the *History*, and to some degree, we might think of Thucydides as striving to recreate the world of debate, politics, and warfare of the latter part of the fifth-century. That is, like Plato, one of Thucydides' goals is backward-looking: he seeks to recapture the figures of Pericles, Brasidas, and Alcibiades, and to record the achievements and failures of the Athenian polis and its empire. But Thucydides is also looking ahead. Like Plato, Thucydides wishes to provoke his readers and auditors, so that they also become engaged in historical analysis and the business of politics.

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FROM ORALITY TO LITERACY: THE MORAL EDUCATION OF THE ELITE IN FOURTH-CENTURY ATHENS

Frances Pownall

By the late fifth century in Athens, many of the elite had withdrawn from politics and turned to words instead of action.[1] As Deborah Tarn Steiner puts it, "if speech is the hallmark of the democratic city, then writing is associated with those out of sympathy with its radical politics."[2] Writing made a logical tool for the dissemination of the political ideas of those opposed to radical democracy for, as recent scholarship has shown, the ability to read a text with comprehension was confined to their fellow elites.[3] Kevin Robb has recently argued that literacy and *paideia* fully cohere only around the middle of the fourth century, when Plato and the Academy replace the *mimêsis* of the poets with text-dependent education.[4] While Robb is convincing in his argument that the coherence of literacy and *paideia* is a fourth-century phenomenon, I would like to propose a modification to it. I shall argue that text-dependent education originated not with Plato and the Academy, whose appeal, in the later dialogues, at least, as we heard at this conference, was directed mainly to the limited number of intellectuals who were interested in philosophy,[5] but rather with a group of fourth-century prose writers. The target audience of these prose writers was rather wider, the literate, educated elite in general, and their works therefore represent an intellectual level in between moral philosophy and popular morality. As I shall argue, it is these prose writers who begin to take the place of Homer and the poets in the moral education of the elite, particularly those who aim at political power, and do so in a private, rather than a public, forum.

[1] On the "quietists" or *apragmones*, see Connor 1971: 175–198; Carter 1986.

[2] Steiner 1994: 7.

[3] Following the seminal work of Havelock 1963, see now Harris 1989; Thomas 1989 and 1992; Robb 1994; Morgan 1999.

[4] Robb 1994: esp. Chapters Seven and Eight.

[5] Cf. Robb 1997: 29–64.

In general, the surviving literature prior to the last quarter of the fifth century tends to reflect the traditional, that is, aristocratic, values of the early poets, although there do of course exist differences in emphasis between authors.[6] By the end of the fifth century, however, these traditional moral values suffered a sustained attack on the intellectual level, when they were called into question by both the sophists and Socrates.[7] Simultaneously, in a process continuing throughout the fourth century, the Athenian democracy began to appropriate many of the traditional (that is, aristocratic) moral virtues of the early poets, giving them a more explicitly civic (that is, democratic) connotation.[8] What these democratic virtues were, we can glean from comedy, oratory, and dedicatory inscriptions, all designed to play up to the masses and which are, not surprisingly, the main sources for K.J. Dover's influential *Greek Popular Morality*.[9] Naturally, however, the moral virtues that would be persuasive to large audiences are not those that would appeal to the elite. While performed poetry continued its paideutic function for the Athenian collective,[10] the literate, educated elite needed a new source as a guide to aristocratic moral virtue. While there also appear the first attempts at moral philosophy by Plato and (later) Aristotle, who offer systematic reasons why humans should adhere to their conceptions of moral virtue, these most likely appeared too idealized to be of practical use to those in the elite who aspired to political power or, perhaps more properly, those who wished to influence their fellow aristocrats in political virtue. I suggest that a group of prose writers, including Isocrates and Xenophon, who use the written text as an instrument of *paideia* and have generally been overlooked in this connection, attempted to fill the gap between popular morality and moral philosophy.[11]

It is notable that in a number of fourth-century prose works there is a trend towards the listing and definition of moral virtues, culminating eventually in Aristotle's *Nichomachean Ethics*. I submit that this trend

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[6] While overly rigid in its distinction between "competitive" and "co-operative" virtues, Adkins (1960) remains magisterial. See also, e.g., North 1966; Donlan 1980; Lloyd-Jones 1983; Blundell 1989; Cairns 1993; Williams 1993; Rademaker 2005.

[7] On the intellectual context, see Pownall 2004: Chapter One.

[8] Thomas 1989: esp. Chapter Four; Whitehead 1993; cf. Ober 1989: esp. 251–260.

[9] Dover 1974.

[10] Hesk 2000: 176 n. 105 and the references contained there. On the failure of the Athenian democratic state to create a formal education system, see Ober 2001.

[11] Cf. Morgan 2004: 125: "… I suggest a more nuanced approach wherein Isocrates occupies a middle ground between Athenian populist education and the rigors and exclusions of Plato."

arose as a result of the democracy's appropriation of aristocratic moral virtues, which rendered it necessary for the elite to come up with new definitions for the moral virtues that were important to them. It is also likely that the intellectual elite was influenced in this direction by both Gorgias, who, as Aristotle tells us, preferred to enumerate the individual virtues rather than to make a general definition (Arist. *Politics* 1260a; cf. Pl. *Meno* 71d–72a), and Socrates, whose insistence upon defining the fundamental, fixed nature of moral virtues is well attested. Although there are some early attempts to list and group moral virtues in Pindar and in the tragedians,[12] there is no attempt at systematization before Plato. Even in Plato, the grouping of moral virtues appears to have been fairly fluid. He generally fixes the number of virtues that constitute excellence (*aretê*) at four (although the number is sometimes three or five, with the addition of piety): wisdom (*sophia*), courage (*andreia*), temperance (*sôphrosynê*), and justice (*dikaiosynê*).[13] I refrain from referring to these four virtues as "cardinal virtues," as the phrase implies a unity of moral doctrine that simply did not exist in fourth-century Athens, contains an anachronistic Christian resonance, and appears not to have existed prior to St. Jerome.[14] Perhaps even more significant for our purposes is the fact that in his encomium of Eros in Plato's *Symposium*, Agathon lists and defines this same grouping of four virtues (194e–197e). While this playful and pretentious speech (which, not coincidentally, is a parody of Gorgias' funeral oration) is not intended to be taken seriously, it does confirm that Plato's grouping of what he considers the most important moral virtues in his other dialogues would not have been alien to a literate, upper-class readership in the fourth century (cf. the discussions of these same four virtues in Xenophon's *Memorabilia* 3.9.1–5 and 4.6.1–11).

Despite Plato's apparent formalization of the moral virtues, his fourfold scheme does not appear to have been taken up by other fourth-century prose writers, who tend to highlight the moral virtues that are most suitable for the purpose at hand, often linking them to other virtues, such as lineage or physical beauty, which are not dependent upon a moral choice made by their possessors.

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[12] Pind. *Isthmian* 8.24–28; Aesch. *Septem contra Thebas* 610; Euripides fr. 282; see North 1948.

[13] *Laches* 199d; *Protagoras* 329c, 330b, 349b; *Gorgias* 507c; *Meno* 78d; *Phaedo* 69c; *Republic* 427e; *Laws* 631c–d.

[14] As noted by Ferguson 1958, although this does not prevent him from using the phrase.

Isocrates is an excellent example of this fourth-century tendency, particularly in his encomium of Evagoras of Cyprus, in which he claims to be the first to eulogize in prose the virtue (*aretê*) of a human being (9.8). Like Pindar, whom he is consciously adapting to fit the new conditions of the fourth century and his own moral and educational aims,[15] Isocrates attempts to provide an ethical model (*paradeigma*). After setting the scene for Evagoras' virtue by underlining the courage and piety of his Aeacid ancestors,[16] he praises his subject first for his beauty, physical strength, and modesty (*sôphrosynê*) as a child (9.22), to which are joined courage (*andria*), wisdom (*sophia*), and justice (*dikaiosynê*) when he became an adult (9.23). In his account of Evagoras' assumption of the throne, Isocrates underlines his justice (9.26 and 38) and his piety (9.25–26, 28, 38, and 39), bestowing upon him divine approval (9.25). In his subsequent narrative, Isocrates moves away from Plato's systematic grouping of the virtues and groups the virtues at will, but not necessarily together and often joined to other virtues, not all of which could be considered true moral virtues. In a long section replete with Gorgianic antitheses (9.41–46), he surveys his subject's character, emphasizing both moral virtues, such as his piety, coupled here (9.43) with humanity (*theophilôs kai philanthrôpôs*), justice (9.43), and self-control (9.45), and other virtues, including his intelligence, patient counsel, good judgment, keeping of agreements in both word and deed, and conferral of benefits on both friends and others. Then, Isocrates departs from the listing and definition of virtues and turns to a technique more associated with rhetoric, the illustration of his point with concrete examples. As specific examples of the moral virtues that make up Evagoras' character, Isocrates now focuses upon his Hellenization of Salamis and the surrounding region (9.47–50), presented as a civilizing mission as a justification for his naked imperialism,[17] and his campaign in collaboration with Conon against Artaxerxes (9.51–64). Another rhetorical feature of this section of the encomium is Isocrates' references in two places to Evagoras' deeds as proofs (*tekmêria*) of his virtue (9.51 and 58). In fact, Isocrates' use of the moral virtues is more akin to the techniques of rhetoric, in which the same arguments can be manipulated to defend opposing points of view, than to moral philosophy. At the same time, however, the *Evagoras* has a clear didactic function, providing the paradigm for the

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[15] Race 1987; Papillon 1998.
[16] Cf. Race 1987: 38.
[17] Pownall 2004: 24–26.

moral behaviour, in both political and military affairs, of the ideal ruler. Isocrates used rhetoric as he conceived it (in opposition to the rhetoric practiced by the sophists) to mould the moral character of future political leaders, and herein lies the true novelty of the *Evagoras*.[18]

Isocrates' concern with the moral basis for power also appears in the three other so-called Cyprian orations, which should be read in conjunction with the *Evagoras*. In the *To Demonicus*, assuming that it is genuine, Isocrates advises his addressee through a series of traditional maxims, familiar from Hesiod, Solon, and Theognis, somewhat loosely strung together. Not surprisingly, piety (1.13), justice (1.15 and 38–39), moderation (*sôphrosynê*) (1.15), and self-control (*enkrateia*) (1.21) figure prominently. In this work, Isocrates gives advice to Demonicus both as a private citizen, telling him to emulate the character of kings (1.36) and as a future ruler, instructing him to govern fairly and justly (1.37–39). In the *To Nicocles*, which is also full of traditional gnomic maxims, likewise somewhat loosely organized, Isocrates addresses himself more specifically to the moral virtues necessary for the ideal ruler. Again the emphasis is on justice (2.17 and 20), fairness (2.18), the proper worship of the gods (2.20), and, most importantly, self-control (*sôphrosynê*) (2.29–32). Throughout, Isocrates advises that a successful ruler must also be a moral ruler. In the third Cyprian oration, speaking through the voice of Nicocles himself, Isocrates gives the flip slide to the moral virtues necessary to the ideal leader by showing how the behaviour of the subjects in the ideal state ought to correspond in moral virtue to that of the leader (hinted at already in the *To Demonicus*). It is not surprising, therefore, that a large part of the speech is devoted to a defense of Nicocles' own worthiness to rule by virtue of his upright character. After stating that everyone would agree that the two most important virtues are moderation (*sôphrosynê*) and justice (*dikaiosynê*) (3.29–30), "Nicocles" proceeds to provide examples of how his own behaviour indicates both (3.31–47). Only then does he exhort his subjects to carry out their duties with due diligence and justly (*epimelôs kai dikaiôs*), instructing them how to do so in a long series of gnomic maxims (3.48–62). And why should his subjects follow his instructions? If they do so, they will soon see their own life made conspicuous (*epidedôkota*), his empire increased, and the city made fortunate (*tên polin eudaimona*) (3.63–64). Thus, for a leader to succeed, he must have willing subjects, and this is why Isocrates, in the voice of

[18] Cf. Poulakos 1987.

Nicocles, gives practical advice on how to persuade subjects that they should obey their rulers.

This is not surprising, for Isocrates' view of moral virtue is essentially pragmatic,[19] in that he urges a moral basis to political rule not for its own sake, but as a means of achieving political success in public life. As noted by Werner Jaeger in his magisterial *Paideia*, Isocrates hoped to achieve moral reform in the political arena by educating future leaders of state.[20] To some extent, of course, he could do this through his school where he attempted to steer a middle course between the rarified ethical ideas of the Socratics and the indifference to political morality of some of the sophists, as he tells us in the defenses of his system of education (*Against the Sophists* and *Antidosis*). I propose that he also attempted to educate future political leaders through the reading and discussion of his written work in private contexts.[21]

It is particularly notable that many of his works are presented as political orations in form, but were never actually delivered in a public forum. Although Isocrates claims to have lacked the voice and the self-confidence to appear on the political stage himself, this claim of physical weakness is likely to be a rhetorical *topos* and as such is not to be taken seriously.[22] He deliberately chose to be involved in politics only behind the scenes and through the medium of his written work, which it is likely that he either delivered (why else present them as orations, replete with the standard rhetorical techniques of examples, proofs, and Gorgianic antitheses, as well as gnomic maxims familiar from the poets) or else circulated to private elite audiences for discussion. Such audiences, familiar to us from the settings of many of Plato's dialogues, were composed of like-minded aristocrats, probably not only Athenians, but also from other Greek city-states and abroad. This would explain why his own political views are notoriously hard to pin down, although Yun Lee Too and Josiah Ober are convincing that he was a conservative.[23] Because his audience is a pan-Hellenic one,[24]

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[19] Pownall 2004: 21–27.

[20] Jaeger 1939–1944: 3:84–106; cf. Poulakos 1987.

[21] For the recognition of the role of Isocrates in limiting political instruction to those who are thoroughly literate, i.e., the oligarchic elite, see Too 1995: Chapter Four and Morgan 1999: esp. 56–61.

[22] Too 1995: esp. 74–112; cf. Heilbrunn 1975.

[23] Too 1995; Ober 1998: 248–289.

[24] On Isocrates' cosmopolitan viewpoint, see Ober 1998: 254–256; cf. Morgan 2003: 184 and 192.

Isocrates thinks it important to examine the advantages of various political systems, including the radical democracy of Athens (particularly in the *Panegyricus* and the *Panathenaicus*),[25] oligarchy, whether it be on the Athenian (*Areopagiticus*) or the Spartan (*Archidamus*) model, and monarchy (*Philippus* and the Cyprian orations). In Isocrates' viewpoint, the overseeing of any government by wise and enlightened members of the elite was of far greater importance than whether it was a monarchy, oligarchy, or democracy.[26] It has recently been argued that while Isocrates in the main addresses himself to his fellow elite, he indicates that his speeches will be the subjects of discussion among Athenians in general (15.55; cf. 5.22).[27] It seems to me more likely that this is another rhetorical *topos*, designed to perpetrate the fiction that these "orations" were written for public delivery. In any case, the concrete illustrations of the practical benefits that accrue if his conception of moral virtue is followed are of greater benefit to an audience of Isocrates' fellow elites (in that the advice to the ruled offered tools of persuasion to the ruler) than to a possible wider audience of his fellow Athenians.

Isocrates' pragmatic view of moral virtue can be seen also in Xenophon, particularly in his encomium of the Spartan king Agesilaus. Here, Xenophon combines the method of Plato's Agathon in the *Symposium*, where the virtues of Eros are listed and defined, and that of Isocrates in the *Evagoras*, where the monarch's virtues are illustrated through his actions. Like the *Evagoras*, the *Agesilaus* is explictly designated as a *paradeigma* (10.2). As does Isocrates, Xenophon begins with a description of his subject's deeds(1.6–2.32), with the explanation that these will best illustrate his character (1.6). As one would expect from a military leader, and a Spartan to boot, the virtues of piety (1.10–12, 1.34, 2.13, 2.15, and 2.17) and courage (2.12) figure prominently. Following the survey of Agesilaus' deeds, Xenophon turns to a catalogue of his virtues, in which he describes each one and gives an example from Agesilaus' life to illustrate it (3.1–9.7). It comes as no surprise to find Xenopon praising Agesilaus for the same list of moral virtues (3–6) that we found in Plato: piety (*eusebeia*), justice (*dikaiosynê*), temperance (*sôphrosynê*), courage (*andreia*), and wisdom (*sophia*). Following an assessment of Agesilaus' other, non-moral virtues (including patri-

[25] But cf. the *Peace* and the *Antidosis* (esp. 15.316–319).

[26] Konstan 2004. On the "unifying authorial voice," see Livingstone 1998.

[27] Morgan 2004: 134–135 (but cf. the later, apparently contradictory, assertion [148] that "the live audience is only an enabling fiction"); cf. Morgan, 2003: 184–190.

otism, charm, magnanimity, and foresight) (7–9), the final section of the encomium (11) consists of a summary (with a mixture of moral and non-moral virtues), in order, as Xenophon claims, that his praise be easier to remember. It is probably for this reason that this section is the most rhetorical in style, and some scholars have seen a close similarity to Isocrates' *Evagoras*.[28] Here, Xenophon gives further details of Agesilaus' virtues, but without using examples from his subject's life as illustrations. Throughout the *Agesilaus*, Xenophon emphasizes the Spartan king's mild treatment of those under his command or whom he has defeated. Unlike Isocrates in the Cyprian orations, Xenophon does not make explict the reason why a ruler should rule mildly and with humanity, but if one reads between the lines, the pragmatic intent is the same, that it is easier to command willing subjects. Thus the reader is urged to practise virtue that is at first sight altruistic, but it soon becomes clear that this moral behaviour is recommended not for its own sake but to achieve successful political and military leadership. In fact, the *Agesilaus* should probably be read in conjunction with the *Hiero*, one of the main goals of which is to demonstrate that the only way in which tyrants can obtain happiness is to rule over willing subjects (cf. *Cyr.* 1.6.19–25; *Mem.* 4.6.12; *Oec.* 21.12);[29] in this of course it is very similar to Isocrates' purpose in the Cyprian orations. In two digressions in the *Hellenica*, Xenophon underlines the terrible consequences for tyrants who disregard the proper moral virtues conducive to successful leadership and fail to obtain the good will of their subjects.[30]

Like Isocrates in the *Evagoras*, Xenophon in the *Agesilaus* centres his praise on his subject's conformation to the same moral virtues that Plato grouped together, but puts his own stamp upon their definitions while adding in other, non-moral virtues that he considers important. The subject matter of the *Agesilaus*, that is, the encomium of a Spartan king, explains the specifically military and political focus of the moral virtues found in this work. By contrast, at the end of the *Memorabilia* (4.8.11), Xenophon sums up Socrates' virtues, describing him as pious (*eusebês*), just (*dikaios*), self-controlled (*enkratês*), and wise (*phronimos*). It is interesting that Xenophon does not apply the virtue of courage to Socrates, if we can believe the claim by the Platonic Alcibiades in the *Symposium* that Socrates saved his life at Potidaea and was notable for his

[28] See, e.g., Bruns 1896: 126–137.
[29] Cf. Gray 1986: esp. 117 and Sevieri 2004: esp. 285.
[30] See Pownall 2004: 99–105.

bravery at Delium (220d–221b; cf. the Platonic Socrates' reference to his military service at Potidaea, Amphipolis, and Delium at *Apology* 28e). Perhaps this omission is due to the subject matter of the *Memorabilia*, which unlike the *Agesilaus* does not concern military affairs. Certainly Xenophon's definitions of the other moral virtues lack the military focus of the *Agesilaus* and are much more general and conventional, similar to the gnomic maxims of the Cyprian orations.

With the *Cyropaedia*,[31] however, Xenophon returns to the theme of the ideal ruler who is set up as a paradigm of moral virtue (e.g., 8.1.21).[32] In this work, Xenophon sums up Cyrus' virtues as piety, justice, the concern to instill a proper sense of shame (*aidôs*) in others, the ability to inspire obedience, and self-control (*sôphrosynê*) (8.1.23–33), although it is interesting that he, for the most part, uses periphrases and definitions (again with a specific moral and political focus) in the place of the abstract nouns. The virtue of courage, so prominent in the encomium of Agesilaus, again is conspicuous by its absence. Possibly courage was a more acceptable virtue for a Spartan king than for a Persian despot, at least in the eyes of Xenophon's potential readership of elites, characterized in general by their admiration of Sparta.[33] Nevertheless, as a source for (especially) political virtue, it is interesting that Xenophon turns to the regimes of the Spartans and the "semi-mythical" Persians.[34] In sum, like Isocrates, Xenophon is willing to toy with both his groupings of the moral virtues and their definitions to fit the context of his individual works, and offers these

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[31] The *Cyropaedia* is the subject recently of a number of important monographs enumerated by Dillery 2002, in his review of C. Nadon 2001 (which, unlike its predecessors, adopts a Straussian approach to Xenophon).

[32] Georges (1994: Chapter 7) observes that Xenophon turns to Persia for the morality abandoned by his compatriots.

[33] On the admiration of all things Spartan by Athenian aristocrats, see Carter 1986: 71–75.

[34] The phrase is that of Seager 2003:385. In a study intended to "consider those passages of Xenophon that illustrate certain fundamental doctrines of Athenian democratic thought" (385), Seager (2001) demonstrates that his conception even of civic virtue was more individualistic than traditional Athenian democratic ideology and drew inspiration from the Spartan and Persian regimes. Tuplin (1994) draws out the parallels between Sparta and Persia throughout Xenophon's corpus, arguing that his attitude to Sparta is more ambivalent than adulatory and his Persia is based on historical reality rather than a thinly disguised idealized Sparta. Too (1998) makes the interesting suggestion that "at the moment that the work's epilogue discloses the collapse of Persia as a state in which knowledge and virtue have failed to construct power, Xenophon significantly steps into the narrative to recast himself, the Athenian author, as the text's privileged teacher" (302).

moral virtues for the same pragmatic purpose, to ensure successful political leadership.

A listing of the moral virtues also appears in the *Alcibiades* attributed to Plato,[35] in the great central speech offered by Socrates to Alcibiades in praise of the Persian and Spartan kings (121a–124b), connected to the rest of the dialogue by its emphasis upon Alcibiades' lack of self-knowledge (*sôphrosynê*).[36] The Persian prince is to be taught the duties of a king by four tutors, each of whom is renowned for his excellence in one of the four moral virtues grouped together by Plato (121e), that is, the wisest (*sophôtatos*), the most just (*dikaiotatos*), the most self-controlled (*sôphronestatos*) and the bravest (*andreiotatos*). The moral virtue of piety does not appear on its own, but appears to be conflated with wisdom, for the curriculum of the wisest tutor includes the worship of the Persian gods. This description of the upbringing of the Persian king is conventional not only in its use of these four virtues, but also in its definition of what they entail, as there is a heavy emphasis on the stereotypical oriental despot/slave dichotomy, very similar to the other (Greek) sources for the Persian education system, Herodotus (1.136.2) and Xenophon (*Cyr.* 1.2.6–13). A similar reduction of a nation to rigid stereotypes underlies the recitation of the virtues of the Spartans. In a single sentence (122c), the author of the *Alcibiades* praises the Spartans for various virtues, both moral and non-moral. The author does not define these virtues, but it is clear that he has combined the moral virtues of self-control (*sôphrosynê*) and courage (*andreia*) with other virtues characteristic of the Spartans: good order (*kosmiotês*), quickness of hand (*eucheireia*), agility (*eukolia*), magnanimity (*megalophrosynê*), good discipline (*eutaxia*), patience (*karteria*), diligence (*philoponia*), eager competition (*philonikia*), and ambition (*philotimia*). On the surface, these last two virtues appear to have positive connotations, but one wonders at the subtext, given Alcibiades' notorious history. Both wisdom and justice are absent, perhaps as a result of the stereotypical Athenian conception of the Spartans, but it is odd that piety is not included in the list, given that the Spartans were particularly assiduous in their observance of religious scruples.[37] If Alcibiades is going to succeed against these traditional opponents of Athens, who are polar opposites in that

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[35] On the recent attempt to champion the authenticity of the work by Denyer 2001: 14–27, see the review by Joyal 2003.

[36] Annas 1985.

[37] Holladay and Goodman 1986.

the Spartans represent the epitome of austerity and the Persians that of luxury,[38] he must be educated in the same virtues. Thus, like Isocrates in the *Evagoras* and Xenophon in the *Agesilaus*, the author of the *Alcibiades* uses his conception of the standard aristocratic virtues of the day as a point of departure for future political leaders (cf. 119c and 132b), and these particular moral virtues are urged upon the reader less for their own sakes than to achieve political and military success.

As I have argued, an important development in the fourth century is the increasing trend towards the listing and describing of moral virtues. This trend occurs not only in the philosophical works of Plato and Aristotle, but also in prose works intended to provide moral guidance to the elite. It is especially noteworthy that the authors of these works choose kings (Cypriote, Spartan and Persian) to illustrate the moral virtues that must be emulated, and not the common citizen often held up as the exemplar in inscriptions, oratory, and comedy. Interestingly, just as the questioning of traditional moral virtues by the sophists can be turned into arguments of expediency, so too can these lists and descriptions, in that each prose writer can choose not only which moral virtues to highlight but even what spin to put on them to demonstrate the pragmatic benefits of proper leadership. This is somewhat ironic in that, like Plato, Isocrates and Xenophon were reacting to the amorality of the rhetoric of the sophists,[39] but at the same time they were obviously willing to make use of some of the techniques of sophistic rhetoric to provide moral guidance to the educated elite.

In the fourth century, the intellectual elite grasped for the first time, it appears, the political possibilities of the written word, and new genres of prose works began to proliferate. Among these were a number of prose works that situate themselves in between the new set of democratic values, which transformed the traditional virtues of the poets into explicitly civic ones, and moral philosophy, which provided a theoretical reconception of the traditional virtues. While these prose works, which exemplify what I think of, only partly facetiously, as the "unpopular morality" of the literate elite, suggest, in opposition to the rhetoric of the sophists, that there should in fact be a moral basis to public life, they also provide pragmatic and practical reasons why the aspiring political leader should adhere to the moral virtues they propound.

[38] Denyer 2001: 173.

[39] On Isocrates' disagreement with the sophists' exclusion of political morality from their instruction, see Pownall 2004: 22–27. For Xenophon's, see *Cynegeticus* 13.

In this short piece, I confine my discussion to those prose works which provide specific lists of important moral virtues, but many others could be read in this connection. Examples that spring to mind include the *Anonymus Iamblichi*, who opposes sophistic rhetoric (DK 89 2.6–7) and gives practical advantages to moral behaviour (DK 89 7), or the so-called Old Oligarch, particularly if Simon Hornblower is correct in his recent argument for a fourth-century date,[40] who offers an ironical "defense" of Athenian democracy (thereby lampooning it subversively, as does Plato of the idealized portrait of the democracy in the Athenian funeral orations in the *Menexenus*), or the fourth-century historians.[41]

Naturally, while the individual prose works that we have examined are quite different from one another in both subject and theme, they share some similiarities in that they equate success in civic life with aristocratic moral virtues, and they use rhetorical techniques to strengthen the didactic focus of their histories. Clearly, they were not intended for public performance but for a readership of like-minded aristocrats. By readership, however, I do not mean to exclude oral performance entirely, as the presence of the rhetorical elements in these prose works suggests that the oral element is still important.[42] Given the antidemocratic nature of their contents, however, oral performance of these texts was probably of an "in-house" nature and resembled the setting of a dialogue in Plato, where the elite from various cities in Greece and abroad gathered together.[43] It would likely have been impractical for each participant in the discussion to have his own copy of the text, and this would have necessitated a certain amount of reading aloud to the others, in addition to any discussion of the content of the text.[44] By offering pragmatic reasons why the moral politician was the successful politician, the moral advice offered by prose writers such as Isocrates and Xenophon was more relevant to the literate elite in the changed circumstances of the fourth century than that of the poets, intended for a world that had now largely disappeared.

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[40] Hornblower 2000, although it should be noted that he believes that the author was, in fact, a democrat.

[41] See Pownall 2004: Chapters Three, Four, and Five.

[42] On the (ambiguous) relationship between written text and oral performance, see Thomas 2003; cf. Yunis 2003.

[43] As noted for Isocrates by, e.g., Lentz 1989: 122–135 and Bons 1993; for Xenophon by, e.g., Kelly 1996.

[44] As argued for Thucydides by Morrison 2004; esp. 113.

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WRITING DIVINE SPEECH: GREEK TRANSLITERATIONS OF NEAR EASTERN LANGUAGES IN THE HELLENISTIC EAST

Matthew J. Martin

Alexander the Great's conquests in the Eastern Mediterranean initiated a series of profound cultural transformations in the ancient centres of urban civilization of the Fertile Crescent. The final extirpation of native rule and the imposition of an alien élite culture instigated a cultural discourse—Hellenism—which irrevocably marked all participants, both conquerors and conquered. This discourse was particularly characterized by a transmogrification of indigenous cultural traditions, necessitated by their need to negotiate their place in a new social order. As Bowerstock has argued, the process of Hellenization did not accomplish the wholesale replacement of indigenous cultural traditions with Greek civilization. Instead, it provided a new cultural vocabulary through which much pre-existing cultural tradition was often able to find new expression.[1] This phenomenon is especially intriguing as it relates to language and literacy. The ancient civilizations of the Syro-Mesopotamian and Egyptian cultural spheres were, of course, literate, possessing indigenous literary traditions already of great antiquity at the time of the Macedonian conquests. The disenfranchisement of traditional élites by the imposition of Greek rule had the concomitant effect of displacing many of the traditional social structures wherein indigenous literacy functioned and was inculcated—in particular, the institutions of the palace and the temple. A new language of power, Greek, replaced the traditional language of these institutions. This had the unavoidable effect of displacing the traditional writing systems associated with these indigenous languages. Traditional literacy's longstanding association with the centres of social and political authority began to be eroded.

Naturally, the eclipse of traditional, indigenous literacy did not occur overnight. The decline of Cuneiform and Hieroglyphic literacies was a

[1] Bowerstock 1990.

lengthy process. Nor was the nature of their respective declines identical. Akkadian, the ancient language of Mesopotamian court and temple culture, vanished forever, along with cuneiform writing, in the first century CE.[2] Egyptian lived on beyond the disappearance of hieroglyphic in the fourth century CE in the guise of Coptic, to succumb as a living, spoken language of daily social intercourse only after the Islamic conquest of Egypt.[3] Even then, Coptic survives to this day as the liturgical language of the Coptic Orthodox Church.

This latter point draws attention to an aspect of the decline of these indigenous literacies worthy of note: it is in the sphere of religion that these literacies are often preserved longest, after they have been supplanted in palace circles—the last dated cuneiform text we have is an astrological text; the last dated hieroglyphic text a votive graffito. This should cause little surprise. The sphere of religion is generally one of the most conservative of cultural subsystems. The local need to negotiate the exigencies of daily life and individual and collective identity embodied in traditional religious structures is slow to change and exists in ongoing dialogue with the more readily changeable royal and/or state ideologies that bind various locales together in an institutional framework.[4]

The process of "Hellenization" of the ancient cultures of the Eastern Mediterranean provides us, then, with an opportunity to observe the on-going effect on traditional, indigenous literacy of the imposition of a new status language possessed of its own distinct writing system. The cultural politics of written and spoken language-use in such contexts has been much discussed and it is clear that the processes leading to the adoption of a new language—in written form, or spoken form, or both—in some cultural spheres and the retention of traditional languages in others are complex. Factors including the imposition of a new language from above, adoption of a new language of social prestige from below, as well as preservation of older idioms of traditional status in core cultural institutions, must have affected different sectors of a conquered society in different fashions and at different rates.[5]

It is in this regard that attention may be drawn to some examples of an intriguing phenomenon involving the interaction between writ-

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[2] The latest known cuneiform text dates to 75CE: Oelsner 1986: 54.
[3] The latest known hieroglyphic text dates to 394CE. See Winter 1982: 1023.
[4] Frankfurter 1998: 5–6.
[5] Thompson 1994.

ten and spoken language in cultural contexts where the processes of Hellenization are in action, namely the production in Greek alphabetic writing of transliterations of Near Eastern languages which possess their own traditional writing systems. In each of the cases to be considered below, we observe the adoption of Greek alphabetic writing to record, not Greek, but an indigenous language possessed of long-standing associations with traditional institutions of authority. Greek writing and indigenous language are brought together to create a hybrid text—"barbarian" language in Greek dress.

The earliest examples we have of this phenomenon are a handful of Greek transliterations of Babylonian cuneiform texts dating to the second or first century BCE.[6] These documents all take the form of clay tablets with cuneiform text on one side and with Greek text inscribed into the surface of the clay with a stylus on the other. The cuneiform texts are in a Late Babylonian form of Akkadian (with some Sumerian) and the Greek texts represent these cuneiform writings transcribed into Greek characters. All of the documents appear to have originated in Babylon itself.[7] The texts represent a number of genres—prayer, hymn, incantation, topographical and lexical texts, including portions of a traditional Sumerian-Akkadian glossary (the twenty-two tablet *ḫubullu* series).

This body of texts is too small in number to allow us to make any definite assessment of what their function might have been, but we may make the following observations about them: The texts are all of a literary nature—that is, they represent genres which were the purview of the professional scribe associated with the temple or the royal court (this fact is emphasized by the appearance of portions of the *ḫubullu* glossary);[8] the texts are obviously produced by a bilingual writer working in the Babylonian scribal tradition (hence the use of a clay tablet, rather than ink and parchment or papyrus, for the Greek texts);[9] and the Greek texts are not translations of the corresponding cuneiform

[6] The majority of the tablets reside in the British Museum: BM34781, BM34797, BM35727, BM34799, BM35726, BM34798, BM34816, BM33769, BM35458, BM35459, BM33778, BM35154. See Pinches, Sayce & Burkitt 1902: 108–125, 143–145; Schileico 1928; van der Meer 1940; Halévy 1902.

[7] van der Meer 1940: 125; Sollberger 1962: 63.

[8] See Oppenheim 1977: 228–275.

[9] The use by scribes of papyrus and pen for recording Aramaic, alongside the traditional clay tablet and stylus for recording cuneiform, is clearly portrayed in the Assyrian period reliefs from the palace of Tiglathpileser III, as early as the eighth century BCE. The transliterated tablets do, however, deviate from normal scribal practice by

texts which occupy the reverse side of each tablet but, instead, are transliterations.

This latter point is of particular significance as it invites us to speculate concerning the identity of both the authors of such texts and the intended readers. Sollberger believed these texts to be school exercises executed by Greek students of Akkadian.[10] If such were the case, then, presumably, the cuneiform text was prepared by the teacher and the student provided the transliteration. But this is not a terribly compelling explanation of these documents and seems reminiscent more of modern pedagogical methods than of what we know of ancient Mesopotamian scribal training.[11] It seems far more likely that the cuneiform texts and their Greek transliterations were executed by the same hand—a scribe possessed of both cuneiform and Greek literacy. Certainly, the fact that one cannot, at some later point, add a text to a clay tablet which is no longer wet suggests that the texts on both the verso and the recto of each tablet were executed at the same time.

It is of significance that, where it was important for the contents of an Akkadian document to be accessible to a person possessed of Greek literacy, a Greek translation, or summary of the contents, was often produced. This is evidenced quite clearly in surviving documents from temple-bank archives of the Seleucid period in Mesopotamia. A number of texts recording ration disbursement from temple stores in the Babylon area dating to the period 50–60 of the Seleucid Era conclude with the statement "copy made in Greek."[12] The contents of individual Akkadian documents in the archives were précised in Greek translations clearly intended for the information of officers of the Seleucid government who were not literate in Akkadian cuneiform but for whom the contents of the particular documents were of interest.[13] The production of *transliterations* of Akkadian in Greek alphabetic script is, however,

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turning on the vertical axis, contrary to the normal rotation on the horizontal axis; cf. Sollberger 1962: 63.

[10] Sollberger 1962: 63.

[11] See Oppenheim 1977: 242–244 on scribal training. It may be observed that instances of ancient writing which do not evidence obvious explanations as regards their function are often classified as "school exercises"—so, for example, alphabet inscriptions (cf. Bij de Vaate 1994). Whilst some such difficult texts may well represent student exercises, it is quite clear that many do not, as Bij de Vatte's examination of alphabet inscriptions recovered from funerary contexts clearly demonstrates.

[12] McEwan 1981: 151. See further Meuleau 1968. I wish to thank Dr Linda Zollschan of Ben-Gurion University of the Negev for bringing these sources to my attention.

[13] We may compare this with the practice encountered in the Neo-Babylonian

quite a different phenomenon to the creation of a Greek *translation* of an Akkadian text. A reader who required a Greek translation of an Akkadian document in order to comprehend its content is unlikely to have found much use for a Greek transliteration of the same text.

For whom then were the transliterations intended? First, the reader must clearly have been literate in Greek. Emerton, following Halévy, argued that the transliterations of the Akkadian cuneiform were intended to aid a Babylonian reader in the correct reading of ideograms and the determination of the value of polyphonous signs.[14] The transliterated texts were not, Emerton asserted, intended to stand on their own—they were intended to function as a reading aid to the cuneiform text.

But the positioning of the transliterations on the reverse side of the tablet to the corresponding cuneiform text makes direct comparison of the cuneiform and transliterated texts awkward and seems to lessen the likelihood of the transliterations being intended to function in direct conjunction with the cuneiform. More likely, it would seem, they were intended to function in parallel to the cuneiform texts. It is thus possible that the intended readers of such Greek transliterations, unlike the scribes who composed them, were unable to read cuneiform. The transliterations allowed a reader possessed of Greek literacy to access the Akkadian language texts, despite the fact that they might not be trained in cuneiform.

Another less obvious, but more significant, question is whether or not such a reader of these Greek transliteration texts was necessarily able to understand the Akkadian language. An unambiguous answer to this question cannot be given solely on the basis of these texts.

There are two issues that should be addressed here by way of background to this question. First are matters concerning the grammatology of Greek alphabetical writing. The important innovation represented by the Greek alphabet is not necessarily what it is usually framed as being—namely the unambiguous alphabetic representation of vowels as compared to the Semitic consonant alphabets from which the Greek alphabet derives.[15] Rather, the Greek alphabet embodies an entirely

period of appending Aramaic dockets to cuneiform business documents for the benefit of scribes who clearly lacked full proficiency in cuneiform. See Oppenheim 1977: 241.

[14] Emerton 1956: 87.

[15] And it is most certainly not, as used to be so often claimed, the first complete implementation of some ideal alphabetic principle (one sign = one sound; one sign

different theory of writing compared to that represented by the Semitic alphabets and by cuneiform and hieroglyphic, what Sauneron identifies as a difference in the underlying "philosophie d'une écriture."[16] Whereas these Near Eastern writing systems require a reader to have knowledge of the language being recorded in order to be able to reproduce the phonetics of the words being read, such knowledge is not required by a reader of language recorded in the Greek alphabet. The Greek alphabet conveys phonetic information independently of semantic information. The true innovation represented by the Greek alphabet is its ability to produce transliterations of the sounds of language without the necessity to understand the language being recorded. Greek alphabetic writing conveys phonetic, not semantic, information.

Second, it is clear that in various places and at various times, the modern Western aesthetic preference for referential models of language was not universally applicable. Models of non-referential language—language lacking in semantic content, but fully possessed of contextual meaning—are encountered in the ancient and Late Antique world (and in the modern world, for that matter—observe the phenomenon of *glossolalia* amongst contemporary charismatic Christian movements). Perhaps the most familiar example of such non-referential language theory at work is to be seen in the so-called *voces magicae* of Late Antique ritual texts. These strange words, strings of consonants and vowels only occasionally analysable as Hebrew, Aramaic or Egyptian words, are largely nonsensical, yet they are not devoid of meaning. Construed as divine names, they are in fact essential to the functioning of the ritual texts in which they are embedded and their accurate pronunciation is the key to their efficacy.[17]

It is in the light of these considerations—the ability of Greek alphabetic writing to produce phonetic transliterations, and the existence of non-referential models of language in the ancient world—that the function of Greek transliterations of Akkadian texts need, I suggest, to be considered. This is not to say that these transliterations must necessarily have been created for readers who possessed no knowledge of

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for every sound). Attic Greek, with the adoption of the Ionian alphabet, abandoned alphabetic representation of aspiration. Every sign the Greeks added to the Semitic alphabet they borrowed (*psi* and *ksi*) is a digraph (one sign, two sounds), abandoning the "ideal" alphabetic scheme. See Herrenschmidt 2000: 96–101.

[16] Sauneron 1982: 47–80.

[17] Cox Miller 1986.

Akkadian language, but this possibility must be given serious consideration. The possibility that a reader may well have desired to reproduce in a given context the sounds of late Babylonian without necessarily apprehending the sense of the text they were reading cannot be discounted. It is possible that these transliterations may be examples of a phenomenon similar to what Saenger, in reference to the later Middle ages, terms "phonetic literacy"[18]—the possession of sufficient reading ability to sound out a text for the purposes of memorization or recitation, without necessarily possessing the ability to read in silence with immediate comprehension—but this still does not automatically imply that comprehension of the sense of what was being recited or memorized was central to the exercise.

A further example of this phenomenon of Greek transliteration of a Near Eastern language may provide us with further indications of what might be going on in these situations. The origin of written Coptic is a case in point. By the third century CE, spoken late Egyptian was a thorough mixture of Egyptian and Greek vocabulary. By contrast, written Egyptian, whether recorded in Hieroglyphic or Hieratic—both writing systems in decline—or more commonly, Demotic, pretended to an archaising purity. This conscious exclusion of Greek influence from Demotic Egyptian appears to have been a conceit of a largely Egyptian-Greek bilingual priesthood.[19] But it is in the context of the bilingual temple scriptorium that written Coptic—the transliteration of late Egyptian by an augmented Greek alphabet—appears to have had its origins. The so-called Old Coptic texts, which appear as early as the end of the first century CE and clearly predate Christian use of Coptic writing, largely consist of what we may call ritual texts: a horoscope, a "letter to the dead" and a number of so-called magical spells. The use of Greek writing in these texts is quite clearly associated with a desire to accurately fix the pronunciation of texts intended to be read aloud.[20] In Demotic ritual texts from the Anastasi hoard,[21] Greek transliterations appear above the Demotic text as a gloss, or else in the Demotic text proper to spell a foreign word.[22] An earlier text, of the second century CE, presents an obstetric ritual, in a Demotic of

[18] Saenger 1989: 141–173.
[19] Frankfurter 1998: 248–250; Tait 1992.
[20] Cf. Kahle 1954: 252–257.
[21] Third—fourth century CE, probably originating in the Thebaid; see Johnson below.
[22] Johnson 1992: lv–lvi.

contrived "purity," wholly in Greek transliteration.[23] A second century Demotic horoscope is presented in Greek transliteration, but employs Greek headings to designate the astrological periods, and is appended to a Greek horoscope.[24] In each of these documents, the priestly author is clearly competent in both Demotic Egyptian and in Greek. The use of Greek transliteration of Demotic seems to be prompted by the desire to ensure accurate reproduction of the phonetics of the Demotic Egyptian text in ritual recitation—a context where we might expect some efficacious power attached to appropriate speech. We are here dealing with aspects of non-referential language theory. In a ritual context, the very shape and sounds of ritual speech are possessed of inherent significance, independent of whatever the semantic content of the language employed might be. This was certainly the case in the Egyptian context where priestly ritual texts were presented, not as examples of human language, but as the very words of the god Thoth himself.[25] Precise reproduction of the sounds of what were construed as utterances of divine origin was essential to the efficacy of a ritual.

Where the Old Coptic glosses inserted into Demotic ritual texts clearly serve to fix the pronunciation of words which may have been unfamiliar and the details of whose correct pronunciation Demotic script was otherwise unable to indicate, the transliteration of a complete ritual text would appear to achieve something slightly different. Such a transliteration could, in theory, be employed by someone who not only did not possess Demotic literacy, but who also possessed little or no facility in the spoken form of the Egyptian language recorded by Demotic writing.

In this regard, the Schmidt papyrus (c. 100 CE) is of interest. It preserves an appeal for a child by a woman Esrmpe to the local mortuary god, Osiris of Hasro, in a form that closely resembles the ancient literary genre of the "letter to the dead."[26] The text of the letter is presented in Greek transliteration. Such letters were often intended to be read aloud at the tomb where a copy of the text was also deposited.[27] It is possible that the transliteration into Greek characters of this letter was produced to allow Esrmpe herself, who presumably

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[23] Crum 1942; Frankfurter 1998: 251.
[24] Griffith 1900; Frankfurter 1998: 251.
[25] Frankfurter 1998: 240.
[26] Frankfurter 1998: 251; Satzinger 1975: 37–50.
[27] Baines 1991: 153–155.

was not proficient in Demotic script (generally a skill restricted to the priesthood at this period) but possessed of Greek literacy, to recite the text before the tomb. A Demotic version of the text could still be deposited at the tomb, maintaining a connection between the oral and written versions of the ritual text.[28] The necessity for correct ritual reproduction of the sounds of the Egyptian language is here again highlighted. But we might also allow ourselves to wonder how readily understood a text in an archaising form of Demotic Egyptian may have been to a non-priestly audience. Complete comprehension of the text was not, however, necessary to successfully recite the Old Coptic transliteration and, therefore, to successfully fulfil the requirements of the ritual at hand.

First century CE Egypt and first century BCE Babylon represent, of course, very different milieux and caution must be exercised in any comparisons made between the two. However, we may observe in both groups of documents considered above an intriguing example of the interplay between literacy and orality. In both instances, the grammatological characteristics of Greek alphabetical writing are exploited to record the sounds of a traditional ritual language otherwise possessed of its own, indigenous writing system. The transliterations thus produced allow a person possessed of Greek literacy to accurately reproduce the sounds of such language without the necessity of having to be literate in the traditional writing system. In the Egyptian context, there is a very clear significance attached to the sounds of the Egyptian language—language of divine origin and possessed of effective power.[29] Similarly such effective power was attributed to speech in Mesopotamian tradition.[30] Spoken language was a gift to humanity from the Gods—it was of divine origin. Transliterated texts thus facilitate reproduction of the effective sounds of ritual speech, independent of knowledge of the traditional writing system, but also, at least in theory, independent of knowledge of the ritual language itself. Here we may observe a form of

[28] Frankfurter 1998: 252.

[29] Cf. the letter of Asclepius to King Ammon in the *Corpus Hermeticum* (CH 16.1–2): "…The very quality of the sounds and the intonation of the Egyptian words carry in themselves the power of the things said …Therefore my king…keep the teaching untranslated…so that the Greek mode of speech…may not reduce to impotence the holiness and strength and efficacious power of the words…Our [Egyptian] speech is not mere talk; it is an utterance replete with workings." Translation after Frankfurter 1998: 252–253.

[30] "Your [Enlil's] word—it is plants, your word—it is grain, your word is the floodwater, the life of all the lands": Pritchard 1969: 575; see Glassner 2003: 26–27, 225.

orality where semantic communication is, if not irrelevant, at least not the primary purpose of speech. But this orality is facilitated by a specialised form of literacy. In both the Babylonian and Egyptian transliterated texts, there are indications that significance was still attached to maintaining the connection between the text recorded in the traditional writing system and the oral performance of that text facilitated by the Greek transliteration. In the case of the transliterated cuneiform documents, that connection is immediate and concrete—the transliterations and the cuneiform texts are on opposite sides of the same clay tablets. In the Egyptian context, we have already mentioned the very real possibility that, in the case of a text like Esrmpe's "letter to the dead" of the Schmidt papyrus, the Old Coptic transliteration allowed the ritual recitation of the text which was, in a written Demotic form, deposited in the grave.

It is necessary to register here our awareness of the fact that, when speaking of the production of transliterations of Afroasiatic languages in Greek alphabetic writing, it is obvious that the Greek alphabet is incapable of producing a perfect phonetic transcription of these languages whose sound systems differ so greatly from that of Greek. Indeed, it is this fact that lies behind the fully developed form of Coptic possessing five (or six, depending on dialect) additional signs derived from Demotic to represent consonants not present in Greek. I would suggest, however, that it is not the absolute accuracy of the transcriptions produced, but the principle of attempting to represent the phonetics of Babylonian or Egyptian or Hebrew with the Greek alphabet, which is of primary significance here. The existence of these transliterated texts demonstrates an awareness of the fact that Greek alphabetic writing achieves something that, in grammatological terms, is quite different from the symbolic representation of language embodied in earlier Near Eastern writing systems. The existence of transliterated texts also demonstrates a desire to take advantage of this grammatological characteristic of Greek writing. Without the sort of modifications represented by the Demotic characters employed in Coptic, Greek transliterations could only offer approximations of the sounds of the original language. Nevertheless, transliterations were produced and this, in combination with the clear attempts to continue to refine the techniques for such transcriptions (represented by the developments in Coptic), demonstrates that the utility of such transliterations was appreciated.

In both the Babylonian and Egyptian examples, the indigenous writing systems of the traditional ritual languages were clearly in decline

when these transliterated texts were produced and this appears to have been due, in both instances, to a corresponding decline in the institutional authority of the traditional priestly and scribal establishments initiated by the advent of Macedonian rule and reaching its apogee in the Roman period. This is certainly the case in Egypt where the Roman state instituted active measures to restrict and diminish the power and influence of the traditional temple priesthoods.[31] Frankfurter has recently argued, cogently and at length, that the pressure placed upon the institution of the Egyptian temple by the Roman state led to a complex process whereby the Egyptian priesthoods renegotiated their social charisma and traditional ritual expertise, transforming themselves into a class of itinerant ritual experts who provided local communities with continuing access to the essential ritual knowledge which was once associated exclusively with the "House of Life," the temple scriptorium.[32] The origin of Old Coptic is most probably to be seen in terms of this process. The creation of Greek transliterations facilitated the essential oral performance of ritual texts recorded in the traditional writing systems associated with the temple establishment, even in the face of fading knowledge of those writing systems.[33]

It is more difficult for us to establish the contours of such a process in Babylonia due to the paucity of sources for the region in the period around the turn of the era.[34] However, a clue may be provided by the fact that in Greek and Latin literature from this period, "Babylonia" is a term which conjures up a fantastic, orientalizing world of "Chaldaeans" learned in astrology and ascertaining the decrees of fate. Chaldaeans occupy a similar role to that attributed to Egyptians as masters of mysterious oriental lore.[35] It is possible that the processes which led the Egyptian priesthood to negotiate for itself a new social role as itin-

[31] Frankfurter 1998: 27–28.

[32] Frankfurter 1998, esp. Chapter 6.

[33] Even after working knowledge of the indigenous Egyptian writing systems had largely disappeared, the religious significance of these writing systems lived on as is amply demonstrated by the *Hieroglyphica* of Horapollo. See Boas 1978; Iverson 1993: 38–56. On Graeco-Roman fascination with the Egyptian idea of the significance of hieroglyphic writing see Frankfurter 1994.

[34] Millar 1993: 497–498.

[35] The direct comparison of Chaldaeans and Egyptians is explicitly made in the (2nd–3rd century CE Syriac) *Book of the Laws of Countries* (Drijvers 1965: 39–41). Observe the composition of the "Chaldaean" Oracles in Greek, employed by the fourth century Neoplatonist Iamblichus (Millar 1993: 498). See also the summary of the novel *Babyloniaca* provided by Photius in his *Bibliotheka* (Photius, Bib. 94).

erant masters of traditional ritual lore (a role shaped in part by pre-existing classical stereotypes of the Egyptian "magician")[36] may have been repeated in some fashion in Babylonia amongst a priestly-scribal class. The production of Greek transliterations of traditional cuneiform texts is certainly suggestive of an attempt to reposition an inheritance of traditional learning in new and changed socio-cultural circumstances.

We appear to have, then, examples of a fascinating interplay of literacy and orality where the oral performance of ritual texts preserved in traditional indigenous writing systems is facilitated by the medium of transliterations in Greek alphabetical writing. The transliterations are not necessarily of significance in and of themselves—instead they serve to maintain the link between the written and oral-performative texts which traditional literacy would have accomplished. This phenomenon might be added to the catalogue of those examples of ancient writing to which Rosalind Thomas appends the epithet "non-rational."[37] It also opens up a whole new perspective on the idea of written text as mnemonic device for what remains primarily a memorised oral text, as outlined by Carruthers.[38] In the case of our texts, it is the intermediary represented by the transliteration which is the mnemonic aid—the primary written text is unreadable.

The aspect most alien to modern sensibilities about these modes of literacy and orality and their interaction is the idea that both the traditional writing and the language it recorded might be largely incomprehensible to the person performing the texts concerned. There are modern analogues to this phenomenon, such as the use in some contemporary Jewish contexts of transliterated texts of Qaddish, allowing a person who possesses no knowledge of Aramaic to recite the prayer in the appropriate language required by the ritual context.[39] But we are speaking here of cultural and social contexts quite far removed from those of modern Judaism. I will admit that it would be imprudent to push too far the idea that comprehension of the ritual language recorded in these Greek transliterations was necessarily wholly lacking and this aspect of the argument does not need to stand for the unusual relationship between the written and oral forms of the texts outlined above

[36] Frankfurter 1998: 217–233.
[37] Thomas 1992: 78–88.
[38] Carruthers 1990.
[39] Cf. Orlinsky 1936–1937: 137–149; 142, n. 12.

to hold. Indeed, it would certainly be difficult to argue for an absolute lack of comprehension at all times in the Egyptian case where a form of Late Egyptian goes on to become the vernacular of pre-Islamic Egypt.[40] It is certainly a distinct possibility, however, in the case of the Babylonian examples. By the period of the first century B.C.E, Akkadian must have been at very best, a dying literary language, kept alive only amongst the traditional scribal and priestly classes.[41] Although we lack specific evidence testifying to the spoken vernacular of Babylonia itself during this period, it was almost certainly some variety of Aramaic, with Greek and Parthian probably also enjoying some degree of currency as élite languages.[42] The probability seems very slight that a person who could not read cuneiform would have been able to understand whatever spoken form of the Akkadian language might have been current in scribal circles. A person, then, who required a Greek transliteration of a cuneiform document was probably lacking in traditional scribal training and would probably have comprehended, therefore, little if any of the language of the text they recited.

We shall examine one more example of Greek transliteration of a Near Eastern language. In this instance, we can be almost certain that the reader of these transliterations, in the form that we know them, was possessed of little or no learning in the language the transliterations recorded. I speak now of the transliterations of Hebrew preserved in the *secunda* of the Church Father Origen's great biblical text-critical synopsis, the Hexapla. Origen (c. 182 – c. 251), an Alexandrian by birth and education, compiled the Hexapla, according to Eusebius, in Caesarea in the early third century CE (*Hist. Eccl.* 6.19.15). This highly complex document consisted of parallel versions of the texts of the Jewish Scriptures laid out synoptically in a multicolumn arrangement. The first column of the Hexapla consisted of the Hebrew text in Jewish script. The second column consisted of the Hebrew text transliterated into Greek characters. The third, fourth, fifth and sixth columns recorded the Greek translations of Aquila, Symmachus, the Septuaginta and Theodotion, respectively (*Hist. Eccl* 6.16.1–4).

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[40] On the relationship between Demotic and Coptic see Sethe 1925: 290–316; Ray 1994.

[41] But see the observations of Millar 1993: 497–498. The survival of cuneiform writing into the first century CE cannot necessarily be assumed to reflect, however, the survival of Akkadian as a spoken language. Any survival is most likely to be as a literary language restricted to the scribal tradition.

[42] Millar 1993: 498.

Origen's aim in compiling the Hexapla has been the subject of much speculation, as has the function of the individual columns of the work. The majority of these issues need not concern us here.[43] We will, however, consider the question of the probable function of the first two columns of the Hexapla—the Hebrew text in Jewish script and the Hebrew text in Greek transliteration. I have argued elsewhere that these two columns are the key to the structure of the Hexapla, but in order to understand their significance, we must first reflect upon aspects of Origen's theory of language.

Origen's thought on language contains elements which are non-referential in character.[44] For Origen, language is of divine, not human, origin (*Contra Celsum* 5.45). Names, in particular, do not represent or imitate—names point to the deepest meanings of objects, signifying their nature. Origen attributes effective power to the category of divine names. These are not merely words, but evoke and engage personal realities. Of all divine names, those in Hebrew are, for Origen, the most potent. This is a function of Hebrew being the language of creation and the language of God's revelation embodied in the Hebrew Scriptures (*Homilies on Numbers* 11.4). These names, however, lose their power in translation (*Contra Celsum* 5.45). Thus Origen affirms that it must be the qualities and characteristics of the sounds that give divine names power (*Contra Celsum* 1.25). Origen evidences the belief that the presence of divine names in a text imbues that text with the power to effect transformation in the hearer, even when comprehension of what is being heard might be absent.[45] To hear scripture, particularly in Hebrew, was, through the agency of the divine names it contained, to be subject to inner transformation, whether or not what was heard was consciously comprehended.

Such language theory demonstrates obvious parallels with the notions of effective, non-referential language encountered in the Egyptian and Mesopotamian *milieux*. But it also provides an obvious motivation for the inclusion of the Greek transliterations of the Hebrew text of the Bible in the second column of the Hexapla. The second column transliterations record the efficacious sounds of the divine language of creation. Origen's motivation for the transliterations' inclusion is made all the stronger when we realize that Origen probably knew very little,

[43] On these matters see Schaper 1998 (an important volume of essays); Martin 2004.
[44] This discussion of Origen's theory of language is based upon Janowitz 1991.
[45] Janowitz 1991: 363.

if any, Hebrew himself. In fact, all of Origen's citations of the Hebrew bible in his many biblical commentaries appear to rely exclusively upon transliterated texts.[46] If Origen was not able to adequately and independently engage with the Hebrew text as represented in the first column of the Hexapla, the second column transliteration would have provided both a means of locating specific points in the text when engaged in dialogue with Jewish interlocutors, as well as access to the efficacious sounds of the Hebrew text more generally.

Origen's at most rudimentary proficiency in Hebrew raises the further question of who actually composed the second column transliterations. As it stands, the Greek transliteration of the Hebrew text found in the surviving Hexaplaric materials is a work of some sophistication. It demonstrates an awareness of the shortcomings of the Greek script in representing Hebrew phonetics and evidences attempts to compensate for these inadequacies.[47] At the very least, the transliteration demonstrates a fairly sound knowledge of an established tradition of vocalisation of the Hebrew consonant text. This would require a level of knowledge of the Hebrew language far in excess of that which Origen appeared to possess. All of these observations lead to the conclusion that the transliterations were most probably the products of Jewish scholarship.

The texts of the first two columns of the Hexapla evidence, then, a number of parallels with the Greek transliterations of Demotic Egyptian and Cuneiform Akkadian. The first column of the Hexapla preserves the Hebrew text of the Bible in its traditional written form. The second column records a Greek transliteration of the Hebrew which allows recitation of the Biblical text by a reader unable to read the Jewish script of the first column. But unlike the Egyptian and Babylonian examples, in this instance we have quite precise information about someone who actually used these texts, namely Origen. Origen appears to have been unable to read Hebrew in Jewish script and, moreover, was probably incapable of understanding spoken Hebrew. Nevertheless, Origen appears to have attached great significance to the sounds of the text of scripture in the original Hebrew language. Here we have an example of the sort of scenario hypothesized above: Greek transliterations facilitating the oral performance of a text recorded in a tra-

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[46] See De Lange 1976: 21–23.

[47] Staples 1939: 74f.; Sperber 1937–1938: 114f.; Brønno 1943: 146f., 275–277, 326.

ditional, indigenous writing system by a reader lacking both literacy in that writing system, as well as knowledge of the language recorded. What cannot be shown clearly is that Origen made direct use of these texts in a ritual context. It is clear, however, that Origen attached non-referential significance to the Hebrew language and, thus, the potential for ritual use is obvious.

A question which must be addressed is that of the identity of the creators of these Greek transliterations of the Hebrew Bible. What was the social context, which produced these texts? We have already suggested that the creators must be representatives of Jewish scholarship and we may reiterate this. The authors of the transliterations were clearly possessed of both Hebrew and Greek literacy and were familiar with the Jewish Scriptures. It is difficult to imagine in this period, the third century CE, persons other than members of the Jewish community possessing such training and skills.[48] The mere fact that Origen evidences interest in the Hebrew Scriptures is considered remarkable by Eusebius (*Hist. Eccl* 6.16.1–2). Christians of the period, by and large, demonstrated little interest in learning Hebrew or engaging with the text of Scripture in its original language. Why Jewish scholars might have produced such transliterations is less easily answered. The nascent Rabbinic movement at this time demonstrates a pre-occupation with Semitic language—the Mishnah, the foundation document of Rabbinic Judaism, is compiled in Hebrew, an ideologically charged choice of language. Emerton suggested that the transliterations preserved in the Hexapla were created to function as a vocalization aid to the Hebrew consonant text.[49] The particular merits of this argument aside,[50] such a solution to the fixing of the vocalization of the Hebrew text is very different to that ultimately settled upon by the Masoretes: namely the punctuation of the consonant text itself. A need for Greek transliterations of the Hebrew text of Scripture would have been most acutely felt in a context of Jewish community where Greek literacy was not

[48] I register here awareness of the long-running debate over whether the second column transliterations were composed specifically for the Hexapla, or whether they were in existence before—perhaps quite some time before—Origen's compilation of his synopsis. I proceed here on the assumption that the second column transliterations depended directly upon the Hebrew text contained in the first column (see Martin 2004: 102–104) and that, if they were not created in Origen's time (whether specifically for Origen or not is irrelevant), they were at least in circulation amongst, and by implication accepted by, some Jewish community with which Origen had contact.

[49] Emerton 1956.

[50] Martin 2004: 103–104.

uncommon and where it was felt to be appropriate to read Scripture in Hebrew, but where functional knowledge of Hebrew was lacking.[51] Such a context was most likely to be encountered amongst the thoroughly Hellenized Jewish communities of the Mediterranean Diaspora. Many of these communities appear to have lost functional knowledge of Hebrew at quite an early point.[52] Nevertheless, it is also clear that, for many such Graecophone Jewish communities, Hebrew retained a special sanctity deriving, no doubt, from its role as the divine language of the Mosaic revelation. The use of stereotyped Hebrew expressions in Greek-Jewish inscriptions from Diaspora communities would seem to attest to this phenomenon. The small number of formulaic Hebrew inscriptions from the Roman catacombs is instructive here as many of them are probably of a third century date.[53] It is possible to envisage amongst such communities the wish arising to be able to recite Hebrew texts in appropriate (liturgical) contexts, despite the lack of knowledge of the language. It is also possible to envisage Jewish scholars and teachers who were associated with such communities creating the texts to facilitate this. According to the Mishnah *Megillah* 2.1, a man who reads the Scroll of Esther "in any language" has not fulfilled his duty "but it is read to non-Hebrew speakers in *la'az* (the vernacular), although a non-Hebrew speaker who hears it (read from a scroll written) in *'assurit* has discharged his duty." M.*Megillah* 2.1 thus records the opinion that a speaker of a foreign language who hears scripture read aloud in Hebrew, from a text in Assyrian characters, has fulfilled any *halakhic* obligations, whether or not they could understand the language in which the reading was made.

This *mishnah* is of interest on two counts. First, it clearly articulates the principle that comprehension of a Hebrew text read aloud in a liturgical context is not essential.[54] Second, the specification of a text

[51] It is difficult to imagine that someone familiar with Hebrew language and possessed of Greek literacy could not very easily acquire knowledge of the Hebrew alphabet.

[52] The existence of the LXX suggests this. We may also recall here that the first century Alexandrian Jewish philosopher Philo appears to have known little or no Hebrew. For Philo, the LXX was inspired Scripture, cf. *Vit. Mos.* 2.37–40. See the summary of arguments concerning Philo's knowledge of Hebrew in Instone-Brewer 1992: 202–204.

[53] We acknowledge the caution of Rajak concerning the distortion which selective excavation of the catacombs may have produced. *Catacombs*: Leon 1960: Appendix Nos. 283, 290, 291, 292, 293, 296, 397. *Caution*: Rajak 1994.

[54] We must also note that, according to M.*Nashim* 7.2, certain passages of scripture

in *ʾassurit*—that is, the square Aramaic script—would appear to specifically preclude the use of something like a Hebrew text transliterated into Greek characters. The terminology employed in M.*Megillah* 2.1 appears to aim to specifically identify the *script* in which Hebrew scripture may be read in a liturgical setting. That the congregation may not understand the Hebrew is not a matter of import. The unusual nature of this statement is emphasized by the fact that it is said to be permissible for speakers of foreign tongues to hear scripture read in their own tongue—that is, in translation. This is suggestive of the possibility that the Mishnaic Rabbis were aware of the existence of practices involving Hebrew being read aloud from scripts other than the Jewish—practices of which they did not approve. This apparent lack of approval might well have arisen from the fact that, given the inability of a non-Semitic script like the Greek alphabet to reflect with complete accuracy Hebrew phonetics, something like a Greek transliteration of the Hebrew scripture would have, when read aloud, done excessive violence to the language of the sacred text. Thus, it is the inherent significance of the sounds of the divine language, which is at issue. It is important to emphasize here that the concern of the Rabbis would appear to have been, not for the listening worshipper, but for the sacred text itself. Comprehension of the text remained a peripheral concern. By insisting that Hebrew read in Jewish script fulfilled all legal obligations, even for a congregation who knew absolutely no Hebrew, the Rabbis would have been able to ensure that the reader was almost certainly someone adequately versed in the Hebrew language and that the sacred language itself was subjected to as little violence as possible.

Might we then see in this evidence for the creation and use of Greek transliterations of the Hebrew Scriptures by non-Rabbinic Jewish scholars possessed of religious authority? The suggestion of the existence of such Jewish scholars standing outside the Rabbinic tradition during the period of the first four centuries CE should not cause surprise. Seth Schwartz has recently argued convincingly that the evidence of the Rabbinic corpus itself points to the Rabbinic movement being only of limited size and influence in Late Antique Palestine until at least the

had to be read in the Hebrew language. Such an ordinance would apply whether or not the congregation could understand Hebrew. This merely emphasizes the fact that comprehension of liturgical texts by a congregation was not a primary concern for the early Rabbis.

period of the fifth century CE.[55] Furthermore, the Rabbinic movement and its Pharisaic forbears of the Second Temple period were never the sole bearers of authority in the arenas of Jewish textual hermeneutics and religious praxis. Sanders has argued that both Rabbinic and non-Rabbinic sources indicate the continuing importance of the priestly class as hereditary guardians of Jewish legal teaching and exegetical text traditions during the Second Temple period and, indeed, the evidence of the documents associated with the community of the Qumran *yaḥad* clearly demonstrate the existence in the first century CE of a priestly textual community decidedly non-Pharisaic in character.[56] Other documents from the late Second Temple period, such as *Jubilees*, *1 Enoch*, *The Psalms of Solomon* and *The Testament of Moses*, further attest to the diversity of Jewish pietist groups at this time and there is no reason to believe that this diversity did not continue on into the post-destruction period.[57] If we are willing to entertain the notion of the existence of non-Rabbinic Jewish religious teachers in the third century CE—whether in Palestine or in the Diaspora—then transliterated Hebrew texts could have come into Origen's possession through the contact he quite clearly had with Jewish communities in Caesarea, as is in part evidenced by the apparent Jewish influence on his thought concerning non-referential language theory.[58]

The Hebrew transliterations of the Hexaplaric *secunda*, the Old Coptic texts and the transliterated cuneiform documents from Babylon all serve to provide us with a window into a relatively unfamiliar corner of ancient literacy. Unreadable texts are recited in languages which, quite probably, were at best only partially comprehended. This oral performance of nonsensical writing was accomplished through the agency of transliterations into Greek, taking advantage of Greek alphabetical writing's ability to convey phonetic data independently of semantic information. The vital connection between the original text and its oral performance is thus preserved, effectively creating a simulation of literacy in the traditional ritual language. The implications of this are significant. It is not the content of the text recited that is of primary importance. It is the literate act itself, performed in the appropriate

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[55] Schwartz 2001.
[56] Sanders 1994: 170–189.
[57] Sanders 1994: 452–457.
[58] De Lange 1976. Origen's thought on efficacious speech betrays quite clear indications of Jewish influence. See Janowitz 1991: 359–372.

context, which is charged with meaning. In each of the examples considered, the means to simulate traditional literacy is brokered by members of groups for whom, historically, literacy was an integral part of their social function. The complex socio-cultural transformations initiated by the advent of Greek rule in the east resulted in each of these groups, at some point, having to re-negotiate the value of the cultural tradition they had inherited—the source of their social status—in a changed political and cultural landscape. In each instance, it is their literacy, not their literature, which these groups appear to be offering to the transformed order. It strains credulity to attribute to mere coincidence the fact that the three groups of transliterated texts considered above are associated with three cultural groups who enjoyed reputations throughout the Graeco-Roman world as masters of mysterious lore and magic. The Graeco-Roman fascination with the "barbarian" languages and scripts of the Egyptians, Babylonians and Jews appears to be a manifestation of a phenomenon evidencing striking parallels with the "orientalism" of Said.[59] But whilst the production of Greek transliterations of Near Eastern ritual languages by the traditional literate classes of these cultures may have aided the masters of these literacies in negotiating social status for themselves with a new, foreign elite fascinated by the exotic, barbarian other, the origin of the phenomenon of transliterated texts appears, in each case, to be internal to the specific culture concerned. Whilst the specific contexts in which the transliterations were originally generated and employed may not be wholly recoverable, the concern motivating their production appears to have been, in large part, a desire to preserve a continuity of traditional oral performance of written texts in appropriate contexts within the culture in which the texts were produced.

The ultimate development of the production of transliterated texts may have been the pan-Mediterranean phenomenon of *voces magicae* in Graeco-Roman ritual texts, but at its origins, the production of transliterations appears to have striven to preserve older regimes of social status and charisma threatened by a new Hellenizing social order. The supreme irony of the situation is that it was the resources provided by Greek alphabetic writing which facilitated the attempts to preserve these ancient literacies and the social orders in which they were embedded.

[59] Said 1977.

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PART IV

THE ORAL AND WRITTEN CONTROVERSY: PRIVILEGING ORALITY

FIGHTING THE FUTURE: EURIPIDEAN LETTERS AND THUCYDIDES' ATHENS[1]

E.M. Griffiths

Scholarship on letters in tragedy has highlighted the multiple functions they can perform within the dramatic matrix. Many critics have explored the relationship between memory and literacy, the role of letters as instruments of deception, and the ability of letters to implicate the reader in different discourses.[2] Torrance has recently argued that the role of letters in Euripides is far more complex than is usually accepted, that letters are a valuable dramatic prop, and that letters are shown to be useful tools of communication.[3] This chapter will explore a different aspect of Euripidean letters, analysing their temporal status as instruments of political control. The argument is not about historical realities but about a dramatic device. I will suggest that there is a configuration of ideas, a discourse of letter writing, in which characters attempt to "fight the future." This use of literacy proves ultimately unsuccessful, and thus the motif is linked to a narrative pattern seen in Thucydides' *History* whereby confidence in political control is often shown to be illusory.

Oral and Literate Drama

The medium of drama encourages reflection on the ontological status of a written text. This is particularly true of Greek tragedy which involves a complex interplay of authority and time frames. The "now" of the dramatic present is contrasted with the "now" of the audience experience, and the "now" of the author when poet experiences a

[1] I am grateful to record that this paper was delivered with the support of an Overseas Conference Grant from the British Academy, and funding from the University of Manchester.

[2] See, for example, Jenkins 1999; Rosenmeyer 2001; Segal 1986: 75–109.

[3] Torrance 2004. I am grateful to Dr. Torrance for allowing me to read a copy of this paper.

"deferred relation" to his work when it is complete as a text, but not as a performance,[4] and a similar situation pertains after the original production, when a text can function as an object, an aide-memoire or a libretto. Euripides seems to have been keenly aware of this tension, and exploited it to different ends.[5] His characters are often engaged in a conscious attempt to change the course of the action. They are often strategic planners who value forethought and believe that they can direct events using human skills. This attitude exposes the essential nature of Greek tragic drama, for the use of mythological stories allows few characters any scope for significant new developments.[6] There is an inherent dramatic tension that characters in well-known stories are "dead" as soon as they are named.[7] Playing against this, Euripides frequently shows his figures fighting to exercise control over a situation, not just in the present, but also over the course of events which will take place far in the future. One manifestation of this interest is the high concentration of comments on movement within his plays.[8] The majority of Euripidean plays also contains far more orders, and countermanded orders, than do those of Sophocles or Aeschylus. One effect of these constant references and exhortations to action may be to create the impression that the characters are struggling to seize control of events.

A further indication of Euripides' self-reflexivity is the increased emphasis on temporal status. There has been a great deal of work on the dominant paradigms of temporality in tragedy, but less on the importance of temporal issues for individual characters.[9] Notable exceptions are Chiasson's discussion of the temporal focus at the end of Aeschylus' *Eumenides*, and Hutchison's exploration of the use of perfective and imperfective time in Sophocles.[10] The striking issue for this chapter's examination of literacy is the emphasis which Euripides places on the idea of the future. The ways in which individual char-

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[4] I believe it is most likely that the process of creation as well as the recording of plays made frequent use of writing, although this is still a controversial issue. See Marshall 1996.

[5] Euripides' literary nature is parodied by Aristophanes, *Frogs* 943, 1409.

[6] Different dynamics operate in Aeschylus' *Persians*.

[7] For a literary analysis of this idea of a character's "life" see Docherty 1983.

[8] Shisler (1945) noted the frequency of such references to movement, but failed to draw any conclusions.

[9] The standard survey of concepts of time is De Romilly 1968.

[10] Chiasson 2000; Hutchinson 1999. See also Bruit-Zaidman 2000; Higgins, 1984; Kyriakou 1997; Race 1981; Van der Stockt 1999.

acters relate to an idea of future time are often used as characterizing tools, and can be central to an understanding of dramatic universes where the past, present and future are intermingled.

Euripides' use of temporal focus

There are a number of cases where the temporal focus is central to the framing of the narrative. Three examples will indicate the range of possibilities. The first case I wish to consider comes from *Heracles*, a play with multiple temporal foci, from the past stories of Heracles' labours to the aetiological ending as Theseus invites the hero to Athens. The first stage of the story, when Lycus is threatening the family of Heracles, contains a striking instance of how shifts in perspective can be fundamental to the themes of a play. Lycus explains his decision to kill the family with reference to the common motif that one kills an enemies' children to prevent them from growing up to take revenge (vv. 165–169) The murder is not of the young children *qua* young children, but as potential adults; the future adult significance is retrojected on to the child figures. Lycus describes this attitude as εὐλάβεια "prudence." For the audience there are clear mythological precedents for this caution in the story of Orestes' return to avenge Agamemnon, and the greatest strategist of all, Odysseus, is credited with following this principle when he called for the death of Hector's son, Astyanax.[11]

In his reply, Amphitryon does not engage with this future-orientated attitude, but instead changes the temporal framework, asking τί σ' οἵδ' ἔδρασαν; "What did they do to you?" (v. 207). The aorist offers a far blunter contrast than would the English perfect "What *have* they done to you?", contrasting the negligible single completed actions with the vague fears for the future. In this play Lycus' strategy for the long term future proves fruitless when Heracles returns. Although it is not the dramatic centre of the story, we may wonder whether his mistake (other than the general villainy of his coup) was to think too far ahead, and to underestimate the likelihood of Heracles himself returning in the short term.

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[11] Odysseus is the instigator in Eur. *Trojan Women*, whereas other versions of the myth, particularly visual representations, often make Neoptolemos the one to kill the child. See Dyson & Lee 2000.

The second example involves the same motif, where an attempt to plan for the long term is frustrated. In *Andromache* Menelaus attempts to kill Andromache's child because his daughter, Hermione, has yet to bear a child to Neoptolemus. The exchange between Menelaus and Andromache consists of bitter linguistic jousting.[12] When she realises that she has been tricked, and that Menelaus intends to kill her and her son, Andromache engages him in a dialogue about what is to happen (vv. 425ff.). From his position of confidence, Menelaus uses simple future tenses, as at 436, 442, and the blunt response to Andromache's threat of justice: ὅταν τάδ' ἦι, τότ' οἴσομεν· σὲ δὲ κτενῶ. "We'll deal with that when it happens. Now I will kill you." (v. 440). Menelaus believes he has everything under control. It is worth noting the argument of some linguists that the Greek future is not a true future tense, but an expression of will,[13] and Menelaus clearly thinks he can impose his own wishes on the future. At this point in the play it seems that his confidence is justified: Andromache has no allies, and she has been forced to leave her place of sanctuary at the altar. In planning for the future, Menelaus adopts the same position as does Lycus, that an enemy's child cannot be allowed to mature. In this play the situation is complicated, firstly, because the child is also that of Neoptolemus, so technically an enemy *and* a friend, and, secondly, because Hermione is presented as the one who will kill the child. Nevertheless, the issue is clearly defined: The child will pose a threat should he reach adulthood, so it is prudent of dispose of him now, before the potential threat is actualised.

In the face of Menelaus' confident assertions about what *will* happen, Andromache can only respond with hope and hypothetical situations, just as she has earlier spoken of her son in terms of ἐλπίς "hope" or "expectation". In place of Menelaus' future tenses, she can only use an optative, hoping that harm may befall him. Her final despairing cry shows how she accepts his linguistic parameters:

> […] εἰ δ' ἐγὼ πράσσω κακῶς,
> μηδὲν τόδ' αὔχει· καὶ σὺ γὰρ πράξειας ἄν.
> (vv. 462–463)
>
> If I'm going to be in dire straits, don't boast about it.
> The same thing could happen to you.

[12] On the literary significance of grammatical and syntactical features in other works see Bakker 1997; Sicking 1996.

[13] See Fleischmann 1982; Hahn 1953; Magnien 1912.

Even though the situation at this point seems hopeless, Andromache is, paradoxically, proved right. It is an ironic twist that none of the future scenarios envisaged by the main characters actually comes to fruition. Hermione fears that she will be ousted from Neoptolemus' home, but is rescued by Orestes; Menelaus expresses a general worry that the child of an enemy will be a threat, but the child will in fact move into a different geographical and narrative structure; finally, Andromache's salvation will come only indirectly from the child, and more immediately from the past history of which she despaired at the start of the play, as her Trojan relation Helenus provides her with a home, the past creating the future. Nevertheless, although as an individual Andromache seems to have no power, no potential in herself, her awareness of the uncertainty of the future ultimately saves her. For all his confident assertions, Menelaus could not control events.

For the final example, we turn to a play where characters are planning for multiple scenarios in the long- and short-term future. In *Medea* there is a strong contrast drawn between the attitudes of Jason and Creon. Jason is thinking about the long term future, when his sons will be grown up, and fails to think about the immediate situation. Creon, on the other hand, has far greater insight, and realises the danger Medea poses. He comes unstuck because Medea is able to manipulate his temporal focus. Having decided to banish her immediately, Creon is manipulated into allowing Medea one further day. Her response is mocking, one day is all she needs to "make corpses of husband, bride and father" (vv. 353–355).[14]

Time and letters

Letters are a useful starting point for an examination of temporal perspective as they attempt to cross a temporal gap between the moment at which they are composed and the moment at which they are read or heard, as is the justification for their existence given in a fragment of Euripides' *Palamedes* (Nauck 578). In the three extant Euripidean plays

[14] Diggle's OCT brackets (del. Nauck) Creon's lines 355–356, νῦν δ', εἰ μένειν δεῖ, μίμν' ἐφ' ἡμέραν μίαν· οὐ γάρ τι δράσεις δεινὸν ὧν φόβος μ' ἔχει. "As it is, if you must stay, stay for one day. In that time you cannot do any of the things I fear." These lines do, however, work well in context, stressing the temporal sleight of hand which Medea has just perpetrated.

which feature letters, the letters are not written to preserve or convey information, but rather to achieve a particular end. The writer is trying to change the course of events, such that the letters take on a life of their own. In Rosenmeyer's words, the letters become "agents in the plot, provoking reactions and directing events kinetically."[15] Attempts to change the future using letters are confusing, because they often seem to achieve their aims in the short term, only to fail in the long term.

Neither letter in *Iphigeneia in Aulis* proves successful, despite initial appearances. The first letter, which Agamemnon sends before the action of the play begins, succeeds on one level, as it brings Iphigenia to Aulis. The dramatic focus, however, is on the second letter which countermands the first, but is discovered by Menelaus. As Rosenmeyer notes, with this second letter Agamemnon "attempts to write a future which will keep her far away from his world of war and bloodshed."[16] The attempt is unsuccessful, as the letter is intercepted. However, even the first letter fails to achieve its ultimate aim. Agamemnon had hoped to stage a scenario in which the sacrifice would proceed with the minimum of fuss, but he was unable to stop Clytemnestra from accompanying her daughter. Neither letter proves to be an effective tool of communication. Furthermore, we see two of the disadvantages of letter writing when compared to oral communication. When it fails to anticipate Clytemnestra's role, the first message cannot add to its instruction and stop her from coming, and the second message is open to interception precisely because it is written evidence of Agamemnon's change of heart.[17]

A similar tension between the advantages and disadvantages of the written word exists in *Hippolytus*. Phaedra's letter is extremely powerful. As Rosenmeyer notes, the spoken word of a woman would have had little force against that of a man, but the inscription of the words gives them greater power at the precise moment when Hippolytus himself is deprived of speech.[18] The problem here is "why does Phaedra write the letter?" As an instrument of Aphrodite's revenge the letter is successful in causing the downfall of Hippolytus, but should we take Phaedra's own motive to be revenge? In the case of Sthenoboea's attempt to

[15] Rosenmeyer 2001: 65.
[16] Rosenmeyer 2001: 87.
[17] Rosenmeyer (2001: 85) well notes the physicality of the exchange with Menelaus.
[18] Rosenmeyer 2001: 95.

kill Bellerophon via a letter, as dramatized in Euripides' *Sthenoboea*, the motive is clearly revenge, but the letter fails as Bellerophon survives. As there is no strong statement of revenge from Phaedra in *Hippolytus* we should consider her immediate preoccupation, namely her desire to protect her honour. The letter can be seen as motivated primarily by a desire for self-protection, albeit under the baleful influence of Aphrodite. Phaedra writes the letter to secure her reputation, and in this respect she fails. The letter is a final shot at changing the course of events, taking the blame off her shoulders, but at the end of the play Theseus is ready to condemn her.

The third play centred on a letter is the most complex and puzzling. In the *Iphigeneia in Tauris* the letter is written by someone other than the sender, is never read, and relates to a scenario which never occurs (vv. 725ff.). Furthermore, the climax of the letter's role comes in a strangely metafictional scene when Iphigeneia recites the text of the letter to Pylades, creating a record in oral memory to accompany the letter. The letter is presented as something composed in the past, a written account of Iphigeneia's verbal message, and is designed to influence the future, to summon Orestes to save her.[19] The letter exists not only in multiple time frames, but also in multiple narrative spaces. The future which Iphigeneia was trying to change with the letter no longer exists when she tries to deliver it, because Orestes is already in Tauris. Rosenmeyer talks of Iphigeneia writing "a scenario for the future,"[20] but the scenario which Iphigeneia envisages is shown to be not just in the future, but in another dimension or narrative stream. The arrival of Orestes and Pylades in Tauris takes the narrative in an entirely different direction. Not only does the letter fail to intervene in the future, and fail to reach its destination, but it is incapable of responding to changed circumstances. This is the best demonstration of the fact that letters cannot change the future as a consequence of their fixed nature, and yet that very fixed nature encourages a belief in their power. Iphigeneia insists on the primacy of the letter when she refuses Pylades' attempt to intervene and engage her in conversation. She will not participate in oral dialogue, preferring to present a fixed text of a letter which was written at an earlier date.

[19] On the general temporal status of letters see Ricketts, Jr. 1999.
[20] Rosenmeyer 2001: 79.

The Political Dimension

In the scenes discussed above, the characters have confidence in their ability to change the course of events through a letter. Even though there are obvious problems with this method of exerting control, there remains a strong faith in the power of a letter. Just as the shortcomings of the mode are not ultimately dissuasive, so the use of the letters for deceptive purposes does not deter others. The contrast is starkly illustrated in the fragmentary *Palamedes* of Euripides where there are two letters involved, firstly the letter implied in the main tradition which Odysseus forges to frame Palamedes. This letter does achieve its end, as Palamedes is executed, but the elegance of the plan appears to be undermined by a second "letter." Palamedes' brother Oiax sends a message to his father by writing on oars, a scene parodied by Aristophanes in the *Thesmophoriazousai*. This letter causes their father to set false lights which lead to the destruction of the part of the returning Greek fleet. As this play is only known from fragments it is impossible to discuss in any detail the ways in which the letters were handled. The use of letters in this play need not directly correlate with the use of letters in other plays because of the additional feature of this story, namely the fact that Palamedes can claim to be the inventor of writing. Given that the letters discussed above come from a climate in which letter writing is an accepted social skill, we would not expect to find the same dynamic in play at the first instance of the skill. It is worth noting, however, that although Odysseus does achieve his aim with the forged letter, the ambiguity of the medium is then highlighted as Oiax uses it for the opposite ends.[21] My interest in this chapter is not so much with the purpose to which letters are put, but whether the person sending the letter believes that they are efficient tools. In *Palamedes* they do seem to be, but in the other plays the confidence demonstrated by the writers of letters is shown to be misplaced. Rosenmeyer poses the question "Are letters more often villains or heroes on the tragic stage."[22] I suggest that they are intradiegetically both villains and heroes, but that extradiegetically letters are villains towards their writers, because they encourage an illusion of control which they cannot sustain.

Control over the present encourages confidence in one's ability to control the future, and this is particularly true when control of the

[21] On *Palamedes* see Jenkins 1999: Chapter 2.
[22] Rosenmeyer 2001: 71.

present is exerted through writing. To explore this aspect of tragedy we need to turn to the different narrative structures of Thucydides' *History*. To begin with, let us consider two quotations from a very different political scenario expressing the dynamic which, I would argue, pertains to Athenian politics as refracted through the lens of drama.

> If the Party could thrust its hand into the past and say of this or that event, it never happened, that surely was more terrifying than mere torture or death?
>
> The Party said that Oceania had never been in alliance with Eurasia. He, Winston Smith, knew that Oceania had been in alliance with Eurasia as short a time as four years ago. But where did that knowledge exist? Only in his own consciousness, which in any case must soon be annihilated. And if all others accepted the lie which the Party imposed—if all records told the same tale—then the lie passed into history and became truth. "Who controls the past," ran the Party slogan, "controls the future; who controls the present controls the past." And yet the past, though of its nature alterable, had never been altered. Whatever was true now was true from everlasting to everlasting.[23]
>
> Day by day and almost minute by minute the past was brought up to date. In this way every prediction made by the Party could be shown by documentary evidence to have been correct; nor was any item of news, or any expression of opinion, which conflicted with the needs of the moment, ever allowed to remain on record. All history was a palimpsest, scraped clean and re-inscribed exactly as often as was necessary.[24]

These passages from Orwell's dystopian vision indicate the "doublethink" which is inherent in any form of communication, but particularly those which utilize writing. In a modern debate, we could take this further to explore the Lacanian idea of the tension between the spoken language and the "language" of the unconscious. And yet, the tension seen at its extreme in Orwell is not absent from Fifth Century Athenian politics; or rather, we may understand it as a component of the discourse of writing as seen in tragedy. I am not suggesting that Imperial Athens controlled information in an Orwellian fashion, or that Pericles was presiding over a Ministry of Truth. I am suggesting, however, that there was a growing awareness in the late Fifth Century that literate politics could raise these sorts of problems. In tragedy we are seeing not so much a warning about the deceptive power of literacy, but rather a warning about the limitations of this power. Not advice

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[23] Orwell 1990 (1949): 37.
[24] Orwell 1990 (1949): 42.

for the victims of literate manipulation, but advice for the manipulators. Letters and other written texts could seem to offer the possibility of exerting control, the Orwellian control of past, present and future, but ultimately could not fulfil that promise. This is the situation which confronts Euripides' characters in the plays discussed above. The wider political implications can be seen from a consideration of the role of the future in Thucydides.

Athens

There is a widespread acknowledgement that Thucydides' *History* contains a complex interplay of ideas about fate, chance and the role of pragmatism, although there is little agreement about the precise configuration of these factors, either in individual episodes or in the overall scheme.[25] If we consider Thucydides' Athenians as if they were Euripidean characters we see that they express considerable confidence in their ability to predict, and, crucially, to control the future. The ways in which the Great Plague challenges this attitude is one of the key features of Thucydides' account in Book Two, when he tells us how society broke down and individuals indulged in extreme short-termist thinking (2. 53). As Stahl notes, when the plague is at its height, "the situation is no longer defined by previously conceived calculations but by rather by the unforeseen element."[26] After such a blow to their city, we might have expected that the Athenians would have been wary of taking gambles, and indeed this is the attitude which they express to the Melians in Book 5. 113:

> ἀλλ' οὖν μόνοι γε ἀπὸ τούτων τῶν βουλευμάτων, ὡς ἡμῖν δοκεῖτε, τὰ μὲν μέλλοντα τῶν ὁρωμένων σαφέστερα κρίνετε, τὰ δὲ ἀφανῆ τῶι βουλέσθαι ὡς γιγνόμενα ἤδη θεᾶσθε, καὶ Λακεδαιμονίοις καὶ τύχηι καὶ ἐλπίσι πλεῖστον δὴ παραβεβλημένοι καὶ πιστεύσαντες πλεῖστον καὶ σφαλήσεσθε.
>
> "Well, at any rate, judging from this decision of yours, you seem to us quite unique in your ability to consider the future as something more certain than what is before your eyes, and to see uncertainties as realities, simply because you would like them to be so. As you have staked most on and trusted most in Spartans, luck and hopes, so in all these you will find yourselves most completely deluded."[27]

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[25] See, for example, Allison 1989; Hornblower 1996; Stahl 2003.
[26] Stahl 2003: 80.
[27] Translated Warner 1954.

This pragmatism throws into sharp relief the determined optimism which the Athenians show in the next episode, the plans for the expedition to Sicily. Thucydides' comment indicates the extent to which Athens was caught up in far-fetched hopes (6.31):

> καὶ ὁ στόλος οὐχ ἧσσον τόλμης τε θάμβει καὶ ὄψεως λαμπρότητι περιβόητος ἐγένετο ἢ στρατιᾶς πρὸς οὓς ἐπῆισαν ὑπερβολῆι, καὶ ὅτι μέγιστος ἤδη διάπλους ἀπὸ τῆς οἰκείας καὶ ἐπὶ μεγίστηι ἐλπίδι τῶν μελλόντων πρὸς τὰ ὑπάρχοντα ἐπεχειρήθη.
>
> And what made this expedition so famous was not only its astonishing daring and the brilliant show that it made, but also its great preponderance of strength over those against whom it set out, and the fact that this voyage, the longest ever made on an expedition from Athens, was being undertaken with hopes for the future which, when compared with the present position, were of the most far-reaching kind.[28]

One of the recurrent motifs of the *History* is the failure of expected futures to materialize. As Huart notes, ἐλπίς in the sense of hope is seldom realized.[29] Whatever the circumstances, and however well-founded they seem, the hopes do not translate into success. Huart points out that the only case where the vocabulary of hope is used and shown to be justified is in the words of the enemy, Gylippe, whose hopes expressed at 7. 21 do prove well founded, and even he had suffered a blow to his hopes at 6. 104. Throughout the *History* we see the dangers of relying on chance, and the dangers of counting one's chickens.

One crucial component of this confidence, I suggest, comes from the use of literacy as an instrument of political control. That the Athenians did use written texts as part of the machinery of empire is largely undisputed, but did this amount to what I would call an Orwellian imposition of control? Rather than debating the intricacies of inscription practice and the use of letters, I wish to focus more on the control of the past. By the mid Fifth Century Athens was experienced in the use of written texts both as instruments of government and as artefacts to bolster the impression of control. Just as the glories of the Periclean Building Programme and the well-timed propaganda of the City Dionysia could make an impression on the allies, so too could the existence of written laws and treaties reinforce the idea of Athenian rule as something literally and metaphorically set in stone. Furthermore, this control could be retroactive. In the Fifth Century Athens was engaged

[28] Translated Warner 1954.
[29] Huart 1969.

in a vigorous process of politically motivated mythopoesis. History as told in myth was consciously reshaped via writing. The bolstering of the role of Athens in the *Iliad* was strengthened when the oral text was standardized during the Sixth Century.[30]

The figure of Theseus was built up, acquiring many of the mantles of Heracles, and achieved a fixed form in visual art and drama.[31] Athens was engaging in doublethink: Exploiting the malleability of an oral tradition to change history, but then stopping the process of mythopoesis by changing the rules, shifting from fluid orality to a more rigid literate tradition. Given the apparent powers which the state had over past and present, is it any wonder that they believed they could shape and control future events as well? Just as Athens extended its powers spatially throughout the Mediterranean, so it created a rhetoric of power which exerted an increasing control over temporal and narrative frameworks. Although the Athenian calendar was not imposed on the allies, the need to bring tribute at a certain date inevitably created an Athenocentric structure among subject states.

This is the atmosphere in which we can situate Euripides' use of letters. Their role in creating memory and conveying information is inextricably linked to attitudes towards time and the future. Whatever the political realities, I would argue that Euripides perceived a real danger in the political sphere that Athenians would come to rely too much on the power of the written word, and would act with too great a confidence in their own powers. Thucydides' framing of the Sicilian Expedition suggests the same concern.

Conclusions

The configurations of ideas which I have outlined above are not designed to indicate an absolute historical reality, but are intended to suggest one further strand in the complex discourse of literacy in Athens as presented in drama. Stahl's comment (above) about the changed mood during the plague, the shift from "previously conceived calculations" to "the unforeseen element," is highly relevant to the concerns

[30] I am referring to the most widely accepted view today that the standardization of the text came as part of the Peisistratid reforms. For a current state of the debate, with responses, see Jensen 1999.

[31] See discussion in Sourvinou-Inwood 1979.

of tragedy throughout the Fifth Century, but particularly to the concerns of Euripides. Furthermore, Stahl argues that the failure of hopes in Thucydides' proceeds from an "incapacity to grasp the reality of a given situation,"[32] but I would counter that tragedy is far less open to compromise. One of the few fixed points to which Euripidean tragedy consistently returns is, paradoxically, that the "reality of a given situation" can *never* be grasped. A negative reader would conclude that if all attempts to control events are futile then the plays are essentially nihilistic, but a more positive reading could conclude that life itself is essentially chaotic, so we need to accept that fact and stop running around like headless chickens, enthralled to hopes and delusions of control. In such a climate it is the danger of writing that we extrapolate from our ability to fix words on a page to megalomaniacal views of our own powers in the world at large. Although some of Euripides' characters are successful in achieving their aims, the only human figure who is consistently in control is Medea, who could justifiably be viewed as something more than human.

Having begun this exploration of the future with Euripidean letters, we will conclude with a Thucydidean example, the letter of Nicias in Book 7. Thucydides explains this letter as sprung from Nicias' desire to communicate accurately when urging Athens to send help (7. 8):

> φοβούμενος δὲ μὴ οἱ πεμπόμενοι ἢ κατὰ τὴν τοῦ λέγειν ἀδυνασίαν ἢ καὶ μνήμης ἐλλιπεῖς γιγνόμενοι ἢ τῶι ὄχλωι πρὸς χάριν τι λέγοντες οὐ τὰ ὄντα ἀπαγγέλλωσιν, ἔγραψεν ἐπιστολήν, νομίζων οὕτως ἂν μάλιστα τήν αὑτοῦ γνώμην μηδὲν ἐν τῶι ἀγγέλωι ἀφανισθεῖσαν μαθόντας τοὺς Ἀθηναίους βουλεύσασθαι περὶ τῆς ἀληθείας.

> He was afraid, however, that the messengers might not report the facts as they really were, either through lack of ability in speaking, or bad memory, or a desire to say something which would please the general mass of opinion. He therefore wrote a letter, thinking that in this way the Athenians would know what his views were without having them distorted in the course of transmission, and would so have the truth of the matter in front of them to discuss.[33]

For all his faith in the power of a letter, Nicias fails to achieve his objectives. The Athenians refuse to recall him, and, although they do send reinforcements, these fall far short of the demanded army "equal to the first one". Whether or not Nicias ever did send such a letter,

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[32] Stahl 2003: 168.
[33] Translated Warner 1954.

it is significant that Thucydides chooses this manner of presentation.[34] The superiority of a letter over a verbal account is set up as a strong proposition, but ultimately the written account suffers the same fate as did Nicias's oral speeches in the Sicilian debate: The audience responds to some of his suggestions, but ignores the central point he wished to convey. This use of a letter as an individual's tool of political control can be situated in the wider discourse of hegemonic literacy. When we combine this idea with previous analyses of ideas of deception and authority in democratic Athens the role of letters becomes far more highly charged.[35] Through the intricacies of Euripides' plots we see that writing could be an important tool in political life, but was ultimately an imperfect one and too great a reliance on its power could prove fatal.

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[34] On Thucydides' attitude towards writing and the status of his own activity see Morrison 2004. On the linguistic dimension see Rose 1942.

[35] On deception in Athens see Hesk 2000.

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ELITIST ORALITY AND THE TRIVIALITY OF WRITING*

Margalit Finkelberg

I

It is no exaggeration to say that the question of orality and literacy is one of the major contributions of Classics to the contemporary discourse. Besides revolutionizing our view of Homer and other traditional poetries, the Parry–Lord hypothesis of oral composition stimulated, directly or indirectly, the insights of Eric Havelock, Marshall Macluhan, Walter Ong, Jack Goody, and other scholars whose work has deeply influenced the way in which the cultural role of technologies of communication is perceived in the contemporary world. However, while it is one thing to emphasize the importance of technologies of communication in any given society, it is quite another to claim that the identification of a society on the basis of its technologies of communication is in itself sufficient to predict the whole gamut of its cultural behaviours. As far as I can see, the main problem with this approach, known as technological determinism, is that it a priori excludes the possibility of cultural choice.

A by-product of technological determinism, deeply embedded in the attitudes of our own technology-oriented epoch, is that orality and literacy are habitually arranged in a hierarchical order, in which orality is associated with backwardness and social disadvantage and literacy is seen as an inseparable attribute of cultural elites. As Greg Woolf put it, "The idea that literacy implies higher levels of modernity and rationality remains deeply ingrained in our consciousness, popular as well as academic."[1] This attitude is especially widespread in the study of the civilization of ancient Greece where, as distinct from most other major civilizations of the ancient world, the transition from orality to

* I am grateful to the audience at Orality and Literacy VI conference, at Ohio State University and at Cornell for stimulating discussion and comments.

[1] Woolf 1994: 84.

literacy was not a prehistoric given but, rather, a relatively recent event that occurred within the limits of the civilization's historical memory. It is not surprising, therefore, that the transition of Greece from orality to literacy is habitually interpreted in terms of technological determinism.

To take only one example: it has been argued that the introduction of writing, and especially the claim to veracity raised by the new prose genres of history and philosophy that it directly stimulated, undermined the traditional status of the old poetic genres and pushed them out of their former domain into the new sphere of fiction.[2] However, this theory fails to explain why, long after the emergence of prose writing, philosophical, historical, astronomical, geographical, and other non-fictional compositions cast in verse still constituted an integral part of the Greek and Roman literary scene. As this evidence suggests, the relationship between poetry and prose was in fact much more complicated than technological determinism would have it. While prose indeed almost exclusively engaged in non-fictional genres, poetry continued to preserve its original status of a medium suitable for both fiction and non-fiction. That is to say, we have good reason to doubt whether the introduction of writing was the sole factor that determined the configuration of literary genres in Greece and Rome. The fact that poetry continued to play the role of the universal literary medium suggests a much more nuanced picture.

The classification of Greek civilization into (a) the oral, or pre-Platonic, stage, (b) Plato as a transitional figure, and (c) the post-Platonic stage of the domination of literacy, first introduced by Eric Havelock, has become especially popular not only in classical studies but also in other fields. However, as some have pointed out, the material at our disposal does not necessarily lend itself to such sweeping generalizations. To quote what James J. O'Donnell wrote in this connection, "The great mistake is to imagine a sharp boundary created by a single development in society separating before and after. The lesson of historical investigation is that change brings complexity, and a suitable metaphor for social change will be multidimensional and disorienting—as disorienting a model as the real thing would be to have lived through."[3]

It should not be forgotten that the conclusion as to the transitional status of Plato and consequently the entire periodization is in fact

[2] Rösler 1980: 284–285, 302–308. Cf. Finkelberg 1998: 166–167.

[3] O'Donnell 1998: 25. Cf. Pelliccia 2003: 98: "It is the complexity of even the known

based on a single text, *Phaedrus* 274b–277a, the same which, in another famous case of technological determinism, was read as a manifesto of Western "logocentrism," or privileging of speech over writing. Let us recall, then, what Plato, through the mouth of Socrates, has to say in these three pages of the *Phaedrus*. He starts by relating the supposedly Egyptian myth about the invention of writing, a discovery that "will create forgetfulness in the souls of those who learn it, because they will not use their memories" (275a). He then expresses his doubts that "writing can be anything more than a reminder to a person who already knows the subject" (275c). He continues as follows:

> I cannot help feeling, Phaedrus, that writing has one grave fault in common with painting; for the creations of the painter stand there true as life, and yet if you ask them a question they maintain a solemn silence. And the same may be said of written words. You would imagine that they had intelligence, but if, out of a desire to learn, you ask for an explanation of something that has been said, they produce the same unvarying meaning, over and over again. And once they have been written down, they promiscuously knock about the world anywhere at all (κυλινδεῖται … πανταχοῦ), among those who understand them, and equally among those for whom they are completely unsuitable; they do not know to whom they should or should not speak (275de; trans. B. Jowett—H. Pelliccia).

Only the discourse that goes with knowledge and is inscribed in the soul of the student is able to defend itself and knows to whom it should speak and to whom it should say nothing (276a).

The Seventh Letter is another work in the Platonic corpus that dwells at length on the shortcomings of writing as a vehicle for expressing the highest knowledge. In this letter, addressed to his friends in Sicily, Plato recapitulates the story of his unfortunate attempt to exert his influence on the political life of Syracuse. It is not my intention to treat in detail the vexed question of the authenticity of this document. Suffice it to say here that today the Seventh Letter is considered authentic by many scholars, and that even those skeptical of Platonic authorship do not go any further than to propose that it originated within the narrow circle of Plato's immediate disciples. In the so-called philosophical digression of the letter, Plato responds to the rumour concerning the publication of the essentials of his doctrine by Dionysius the

possibilities that justifies the scepticism about making concrete deductions from alleged universals of 'oral culture' and the like."

Younger, who had once been his pupil. This is the very part of his doctrine that he sees as "the greatest" (τὰ μέγιστα) and "the most serious" (σπουδαιότατα):

> I do not, however, think the attempt to tell people of these matters a good thing, except in the case of some few who are capable of discovering the truth for themselves with a little guidance. In the case of the rest to do so would excite in some an unjustified contempt in a thoroughly offensive fashion, in others certain lofty and vain hopes, as if they have acquired some awesome lore.[4]

Consider again such phrases as "And once they have been written down, they promiscuously knock about the world anywhere at all, among those who understand them, and equally among those for whom they are completely unsuitable," or "I do not, however, think the attempt to tell people of these matters a good thing, except in the case of some few who are capable of discovering the truth for themselves with a little guidance." As the phrases in question indicate, although there certainly is elitism here, it has nothing to do with writing. Rather, writing is treated by Plato as an inseparable attribute of mass culture, something that would make one's word indiscriminately accessible to all. That is to say, Plato's position as it emerges from the *Phaedrus* and the Seventh Letter does not support the contention of the partisans of technological determinism as to the respective standings of orality and literacy in Greek civilization. Plato's elitism is rather characterized by downgrading the value of writing, an attitude which is obviously due to his firm intention to control the transmission of higher knowledge.

II

But perhaps, as Havelock and others have suggested, Plato's negative attitude towards writing should be explained as technological conservatism resulting from his transitional position between the oral and the literary cultures? It seems to me that this question cannot be adequately answered as long as classical Greek civilization is our only point of reference. That is why I think it may prove profitable to dwell at some length on attitudes towards writing attested for civilizations and historical periods in which writing was already a firmly established practice. In the latter case, we can only apply what Brian Stock defined as the

[4] Pl. *Epist.* vii 341e; tr. L.A. Post, with slight changes. Cf. Pl. *Epist.* 341b1, 344c6.

"weak" thesis as to the place and influence of orality within a given society. As distinct from the so-called "strong" thesis, related to historical situations where "changes in mentality may be the result of bringing reading and writing to a society for the first time," the "weak" thesis "attempts to account for the interaction of the oral and the written after the initial step is taken … Therefore, cognitive change cannot be based on a straightforward transition from non-literacy to literacy. This is not even the central issue. The focus of interest lies in the way in which speech and writing answer to different social priorities."[5] In what follows, I will use as examples attitudes to writing attested for Zoroastrianism, Christianity, Neoplatonism, Rabbinic Judaism, and mystical Judaism.[6]

The entire history of Zoroastrianism bears witness to the fact that it was the oral rather than the written transmission of the scriptures that was treated as privileged. The reason is simple: oral transmission guaranteed a better control over what, in Shaul Shaked's words, was "a crucial question in the history of Zoroastrianism," namely, who will be admitted into the ranks of the transmitters. Thus even when, perhaps as late as the sixth century CE, the Avesta was committed to writing, the process of exegesis and expansion still went on in a parallel line of transmission, known as the Zand. For a long time the Zand continued to be entirely oral, and seems to have been the main channel by which the learned priests communicated the knowledge of the scriptures. Shaked comments on this as follows: "In a literate society it is not so easy to bar access to books from undesirable elements, while the process of testing and sifting individuals who are to memorize the scriptures is perhaps more effective. Zoroastrianism, at least in its latest phase before the encounter with Islam, felt the need to defend itself against the dangers of heresy by setting limits on those who would be allowed to study the Zand, or the interpretation of the scriptures."[7] The oral transmission was thus firmly established as an elitist kind of transmission, deliberately chosen to make full mastery over the corpus of the traditional lore accessible to only a few.

[5] Stock 1990: 5–6. See also Thomas 1992: 15–28; Gamble 1995: 29.

[6] In my treatment of most of the cases under discussion, I am indebted to the expertise of my fellow participants in the research group on the Mechanisms of Canon-Making in Ancient Societies, active at the Institute of Advanced Studies, Jerusalem, in 1999–2000.

[7] Shaked 2003: 66.

The cultural choice made by the Christian tradition was of an entirely different nature. To quote Harry Gamble, "… Christian communities, though they were not more literate than society at large, and indeed were probably less so, were nevertheless strongly oriented toward the written word."[8] It is well-known that in early Christianity the status of orality was the focus of fierce confrontation between the esoteric traditions developed by various groups usually called "Gnostics," and the mainstream Church tradition. The Gnostics insisted on the higher value of oral tradition and on restricted access to it. Yet, already before the end of the second century, these esoteric traditions with their emphasis on the oral rather than the written word were suppressed by the Church and eventually disappeared. This was the direct result of the strategic decision taken by the Church, in which the issue of orality and literacy played a central role. As Guy Stroumsa puts it, " … secret doctrines seem alien to the spirit of a religion which offers salvation to all humankind through a simple act of faith. According to this perception, common to scholars and believers alike, Christians have no need for a specialized knowledge."[9] As soon as its tendency towards becoming a mass religion prevailed, Christianity opted for writing as principal medium. Both the formation of the scriptural canon in second century Christianity and the adoption by Christians of the cheap and universally accessible medium of the codex were direct outcomes of this choice.[10] In other words, as in Plato and Zoroastrianism, so in early Christianity the written text was conceived as a mass medium diametrically opposed to the elitist medium of orality.

Moreover, we have good reason to suppose that the pagan Neoplatonists' publication of their books several centuries later was mainly due to the fact that they eventually made the same choice as the Christians did, and with the same object in view. To quote what Sara Rappe writes in her recent book on non-discursive thinking in Neoplatonism, "Faced with increasing hostility and competition from Christianity, the Neoplatonists found it was time to break the silence maintained for centuries concerning their mystery religions and to publish their own, alternative salvation narratives as part of a concerted effort at a pagan revival."[11]

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[8] Gamble 1995: 141.
[9] Stroumsa 1996: 2.
[10] Stroumsa, 2003: 164 (with bibliography). Cf. Stock 1990: 125.
[11] Rappe 2000: 198 (with bibliography).

Note that, again and again, the evidence suggests that, rather than technologically predetermined, the resort to either oral or written media of transmission was entirely a matter of cultural choice. With this in mind, let us turn to the Jewish tradition. The reason I see examples concerning this tradition as especially important is that they come from a society possessed of an exceptionally long history of one hundred percent male literacy. Accordingly, the attitudes of this society to written and oral transmission could under no circumstances be influenced, as is often assumed to be the case with other traditions, by the relative novelty or the limited accessibility of writing.[12]

Only few outside the field of Jewish studies realize that Rabbinic Judaism has always emphasized the privileged status of its oral teachings. The Oral Torah was generally regarded as having been given to Moses at Sinai together with the Written Torah and transmitted through the centuries by a chain of sages; the earliest written collection of rabbinic law, the Mishnah, dates to the first quarter of the third century CE. "Rabbinic Literature is the literary condensation of the Oral Torah."[13] As Yaakov Elman and Israel Gershoni point out, students of the ancient rabbinic tradition are fortunate in possessing texts which, while clearly transmitted in oral form, are available in written recensions as well. Material constituting the compilation known as the Tosefta, which is complementary to the Mishnah, exists in two versions, one formed before the middle of the fourth century, the other proliferating in hundreds of independently transmitted variants in both the Babylonian and the Palestinian Talmud. In the words of Elman and Gershoni,

> … the case of Tosefta illustrates the fact that a text may exist in both oral and written form simultaneously. The Tosefta's written *ur*-exemplar was almost certainly in existence before the fourth century in Palestine, at least as an archival copy. But from the evidence of both the Palestinian and Babylonian Talmuds, it did not circulate as such; instead, parts of it … were transmitted orally.[14]

This compares well to the practice of Zoroastrianism where, as Shaked suggests, even before having been ceremonially fixed in writing, the written copies of the Avesta existed in two forms: one as a private aide-memoire for individual transmitters and the other as a prestigious

[12] Cf. Elman and Gershoni 2000: 5–6.
[13] Stern 2003: 240.
[14] Elman and Gershoni 2000: 8–9.

object in the royal treasury. "It may be assumed", Shaked writes, "that such a book in the royal archives, if it existed, was not very often consulted."[15]

However that may be, there is little room for doubt that even in such a highly literate cultural tradition as Rabbinic Judaism the great mass of knowledge was transmitted by memory alone. Technological determinism has no explanation for this phenomenon. It is not surprising, therefore, that Jack Goody comments on it as follows: "What is strange here is that at the very period in time when literacy made it possible to minimize memory storage, human society adopted the opposite tack, at least in some contexts."[16] It seems, however, that the case of Rabbinic Judaism demonstrates unequivocally that orality and literacy are not only and not primarily about memory storage. Consider, for example, the Karaite schism in Judaism, which developed in the eighth century. The Karaites rejected the authority of the Oral Torah and stuck to the Written Torah alone. They called for individual responsibility in interpreting the Bible, which they regarded as an open book accessible to every member of the community, and they have ceased to be part of mainstream Judaism precisely for this reason. That is to say, it is on the basis of accession to the oral tradition rather than to the Scriptures as such that the identity of the Jewish community has been defined. As Moshe Halbertal puts it, "The community is bound to the text and to the tradition to which it is central. Those who challenge this tradition form a different community."[17] This gives us a fairly good idea of the complex strategies of inclusion and exclusion that the privileging of either the oral or the written transmission generated.

My last example concerns the transformation of the Jewish oral esoteric tradition, known as the Kabbalah, into a literary corpus, which took place in France and Spain in the course of the thirteenth century. As Halbertal recently argued, the emergence of a "kabbalistic library," which signified a shift from oral tradition to a literary corpus, challenged the position of those who tried to preserve Kabbalah as closed knowledge.[18] In the early fourteenth century, Shem Tov Ibn Gaon sought to revive the concept of the Kabbalah as a primarily oral

[15] Shaked 2003: 66.

[16] Goody 2000: 33.

[17] Halbertal 1997: 58. Cf. Stock 1990: 158.

[18] Halbertal 2003: 253–265. See esp. p. 254: "It is of no surprise that the challenge to Kabbalah as an Oral tradition is accompanied in the writings of Meir ibn Sahula [a

tradition by attempting to found its authority and power on a continuous tradition whose sources were at Sinai. This was the period when the tradition of the oral Kabbalah was already in conflict with the concept of the Kabbalah as literature. Shem Tov begins his discussion with the following warning:

> For I have found something of which every man whom the spirit of God is within must take heed. *This is the saying of our Sages*, "*From the mouths of authors and not from books*;" lest he find books written with this wisdom, for perhaps the whole of what he received is but chapter headings; then he may come to study such books and fall in the deep pit as a result of the sweet words he finds there; for he may rejoice in them, or desire their secrets or the sweetness of the lofty language he finds there. *But perhaps their author has not received the Kabbalah properly, passed down orally from one to another*; he may only have been intelligent or skilled in poetry and rhetoric … and have left the true path, as our Sages of blessed memory warned, "in the measure of his sharpness, so is his error." Perhaps he also came across other books that the instructed kabbalists referred to merely in passing, and he does not know why or in what measure (*Badei Ha'aron*, pp. 25–26; Halbertal's translation; my italics).

Shem Tov has also preserved for us a rare description of the process of oral transmission as it took place in the houses of study of his masters, which is also the most outspoken manifesto of what Halbertal calls "the elitism of the esoteric":

> And I saw some of the students who received some of the esoteric matters and began with the chapter headings, received from the mouths of our masters, may their souls repose. But they were not diligent in their studies as befit their capacities, and left the eternal life to repose in the ways of the world, so that my masters regretted what they had transmitted to them, and did not add to their teaching. When they transmitted (this knowledge) to me, they did so on condition that I would not transmit it to others except under three conditions that must be fulfilled by any one who comes to receive matters of the initiates: the first is that he be a Talmudic scholar, the second—that he be forty years old or more, and the third—that he be pious and humble in spirit (*Badei Ha'aron*, p. 30).

It goes without saying that the restriction "that he be a Talmudic scholar" was designed to create a situation in which the realm of closed knowledge would remain the sole property of Torah scholars. The very fact that the oral transmission was entrusted only to Torah scholars,

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13th century Castillean kabbalist who claimed that he learned from books rather than authors] with challenging its nature as a closed knowledge."

who were also the ultimate experts of the written transmission, shows clearly enough that even among the so-called "people of the book" orality and literacy were used side by side, in order to serve different social purposes.[19]

III

"Rather than seeking the permanence of themes, images, and opinions through time," Michel Foucault wrote, "rather than retracing groups of statements, could one not rather mark out the dispersion of the points of choice, and define prior to any option, to any thematic preference, a field of strategic possibilities?"[20] This is not to say that all the factors involved are changeable and all the choices arbitrary. Zoroastrianism chose the oral rather than the written transmission first of the Avesta and then of the Zand because the priests wished to control the knowledge of the scriptures and avoid heresy, and the two-level model of the Torah offered by Rabbinic Judaism seems to have been of a similar nature. The Church Fathers made the opposite choice, having preferred the mass diffusion of Christianity through the medium of writing to a clinging to the putative purity of the doctrine, and the Neoplatonists, though too late, followed in their footsteps. The medieval Kabbalists' debate over the question of oral versus written transmission also focused on the extent to which their secret teachings might be made open to the public. As could have been predicted, attempts to transform the oral tradition of the Kabbalah into a written corpus resulted in that it became less elitist. To quote the Kabbalah expert Moshe Idel: "Nevertheless, with their variegated hues, the kabbalistic systems which survived and/or developed became more popular, moving from the elite to somewhat larger audiences, and also from the periphery to a more central position."[21]

Although the choices ultimately made were different in each specific instance, in each of the cases under consideration it was taken for granted that oral transmission is by its very nature restrictive and therefore more suitable for allowing the elites to exercise control both over the dispersal of information and over the concrete form taken by it. As

[19] Cf. Elman and Gershoni 2000: 6; Wolfson 2000: 166–224.
[20] Foucault 1976: 37.
[21] Idel 2000: 158.

distinct from this, written transmission allows for mass circulation and consequently for radical democratization of the information involved. Even more significant, in none of the cases discussed can the choice of the kind of transmission be seen as technologically predetermined. To repeat Brian Stock's words quoted at the beginning of this paper, "The focus of interest lies in the way in which speech and writing answer to different social priorities."

The situation in classical Greece could hardly have been any different. It is true that writing arrived in Greece relatively late, but there is scarcely any doubt that its potential and its advantages and disadvantages soon enough became obvious to many. It does not matter how deeply literacy penetrated into polis society and whether it was predominantly active or passive literacy that we should have in mind in this connection. Writing, in Nicholas Horsfall's words, is a state of mind, and therefore cannot be accounted for by statistics alone.[22] Let me illustrate this point by adducing a well-known case from the history of Rome.[23]

In 181 BCE, the empty coffin of Numa Pompilius was declared to have been discovered, and with it twenty-four well-conserved books supposedly composed by the ancient king himself. Half of these books, written in Latin, were about pontifical law. They were brought to the praetor, Q. Petilius, who read part of the text and decided to report the affair to the senate. The latter's decision was that the books should be destroyed by fire, obviously in order to prevent a possible questioning of the ancestral religion which could result from a broader public's knowledge of the contents. For our purpose it is irrelevant that the books in question were undoubtedly a forgery. What matters is that those who took this decision believed in their authenticity. Yet, the books were burnt on the *comitium*, the place of the people's assembly, by the official sacrifice specialists, the *victimarii*.

Rome of the early second century BCE was of course hardly possessed of a reading public worth mentioning, and in any case the circulation of Numa's books could only be very limited. Nevertheless, they were deemed too dangerous to be preserved. The reason is clear: by its very nature writing is an open medium, potentially accessible to anyone who cares enough to learn.[24] This is what makes writing into the first

[22] Cf. Horsfall 1991: 59–76.
[23] In what follows, I am much indebted to Willi 1998: 139–172.
[24] Cf. Stock 1990: 102–103: "However, in a written as opposed to a spoken text, the

mass medium in the history of civilization. As I hope to have shown, rather more often than not the decision to use or not to use it was directly dependent on awareness of this fact. When read in this perspective, Plato's *Phaedrus* proves to be the first text in the Greco-Roman tradition in which this potential of writing was explicitly acknowledged.

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author is no longer physically present, and the audience, being abstract, is potentially universal."

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NERONIAN ORAL POLITICS: THE CASE OF MUSONIUS RUFUS

Niall W. Slater

On the 20th of December in the Year of the Four Emperors, AD 69, a delegation from the Senate, attempting to negotiate on behalf of the Emperor Vitellius, met with forces of Vespasian under the command of Marcus Antonius Primus, on the Via Flaminia north of Rome. Among their number a Stoic philosopher and Roman *eques* named Musonius Rufus had insinuated himself, according to the great senatorial historian Tacitus:

> miscuerat se legatis Musonius Rufus equestris ordinis, studium philosophiae et placita Stoicorum aemulatus; coeptabatque permixtus manipulis, bona pacis ac belli discrimina disserens, armatos monere. id plerisque ludibrio, pluribus taedio; nec deerant qui propellerent proculcarentque, ni admonitu modestissimi cuiusque et aliis minitantibus omisisset intempestivam sapientiam.
>
> (*Histories* 3. 81. 1)

> One Musonius Rufus, a man of equestrian rank, strongly attached to the pursuit of philosophy and to the tenets of the Stoics, had joined the envoys. He mingled with the troops, and, enlarging on the blessings of peace and the perils of war, began to admonish the armed crowd. Many thought it ridiculous; more thought it tiresome; some were ready to throw him down and trample him under foot, had he not yielded to the warnings of the more orderly and the threats of others, and ceased to display his ill-timed wisdom. (trans. Church and Brodribb)

Though once dubbed "the Roman Socrates,"[1] Musonius today is little known outside the world of philosophy and by no means a central figure there. Yet his influence in transmitting and transforming the teachings of the Stoa for a Roman audience was so great that he has been considered by some the "third founder of Stoicism." Moreover, oral praxis was fundamental to both his philosophical method and political theory. On this December day, one day after the end of the Saturnalia, as we might note, he was practicing his Socratic dialectic on soldiers encamped against the capital city, attempting to persuade them that

[1] I take this sobriquet, as I do Musonius' text and translation, from Lutz 1947.

the hazards of armed conflict outweighed the possible benefits. Some in his audience perhaps thought this a Saturnalian prank, while others took umbrage. Musonius was no more successful than the delegation as a whole; later that day Vitellius died at the hands of Vespasian's forces and his body was flung into the Tiber.[2] The fact that Musonius' attempt at oral politics did not succeed on this occasion, however, does not lessen its interest in the context of the end of the Julio-Claudians and the foundation of the Flavian dynasty.

By this time Musonius was already no stranger to political controversy. Born around AD 30 in Volsinii in Etruria, he became an associate of the Stoic Rubellius Plautus.[3] According to Tacitus, rumors began to circulate in AD 60 following the appearance of a comet that a change in rulers was imminent, and these centered on Plautus, who had a claim to Julian descent through the female line.[4] Following further portents, Nero took alarm and wrote advising Plautus to retire to his holdings in Asia.[5] Musonius followed his friend into voluntary exile and was with him when Nero sent a centurion to kill Plautus in 62.[6] Musonius returned to Rome thereafter, but in 65 was himself implicated in the Pisonian conspiracy and exiled to the island of Gyaros in the Aegean, though Tacitus here reports that Musonius was banished for his fame and for teaching the young wisdom.[7] After the death of Nero he returned again to Rome, and thus was on hand to join the delegation to the camp of Antonius Primus. Vespasian seems to

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[2] The chronology has been disputed, but it seems likeliest that both the embassy and Vitellius' murder took place on December 20; see Holzapfel 1913: 289–304 and Kienast 1996: 106–107.

[3] A very useful short biography, upon which I draw, appears in Olshausen 2001: 249–255, esp. 250–251.

[4] Tacitus, *Annals* 14.22: *et omnium ore Rubellius Plautus celebratur, cui nobilitas per matrem ex Iulia familia* ("In everyone's mouth was the name of Rubellius Plautus, who inherited through his mother the high nobility of the Julian family.").

[5] Tacitus, *Annals* 14.22: *ergo permotus his Nero componit ad Plautum litteras, consuleret quieti urbis seque prava diffamantibus subtraheret: esse illi per Asiam avitos agros, in quibus tuta et inturbida iuventa frueretur* ("This alarmed Nero, and he wrote a letter to Plautus, bidding him consider the tranquility of Rome and withdraw himself from mischievous gossip. He had ancestral possessions in Asia, where he might enjoy his youth safely and quietly.").

[6] Tacitus, *Annals* 14.59. Musonius, along with a Greek philosopher, counsels Plautus to face death with constancy.

[7] Tacitus, *Annals* 15.71: *Verginium [Flavum et Musonium] Rufum claritudo nominis expulit: nam Verginius studia iuvenum eloquentia, Musonius praeceptis sapientiae fovebat* ("It was the splendor of their name which drove Verginius Flavus and Musonius Rufus into exile. Verginius encouraged the studies of our youth by his eloquence; Rufus by the teachings of philosophy.").

have held no grudge. On the contrary, he was spared by Vespasian from a general exile of philosophers in 71 which included at least two other prominent—and disruptive—Stoics.[8] Musonius nonetheless again somehow offended and was sent into a second exile by Vespasian, from which he was recalled under Titus. He seems to have settled into a quieter old age, for we hear of no more political troubles before his death, probably around AD 100.

Musonius practiced a Socratic method of oral exchange with his students, and his work survives only in discourses or *diatribai* recorded by one of those students, Lucius, and in sayings collected by Stobaeus. In the form that they have come down to us, these discourses are by no means dialogues in the Platonic tradition. Most record a question raised to Musonius and then purport to give his oral discourse in response, but no interlocutor emerges as a real character; there is only the dominating voice of Musonius.

Two of the discourses, "That Kings Should Study Philosophy" (8) and "That Exile is not an Evil" (9), demonstrate the political challenge that Musonius' philosophy and oral practice posed for any absolutist regime. While our historical sources do not specifically name any doctrines or acts that led to his two sentences of exile (and his role, if any, in the Pisonian conspiracy beyond acquaintance with plotters is unknown), these two discourses suggest how his oral politics challenged the authority of both the Neronian state and its successors.

Discourse 8, "That Kings Should Study Philosophy," responds, not to a single stated question, but to the visit to Musonius of an unnamed Roman client king ruling in Syria. At first glance, the argument of this discourse seems almost banal: kings, says Musonius, must know what is good and bad for their people; only philosophy can teach them to recognize these differences; therefore kings should study philosophy. Having been taken through this syllogism, the grateful and still unnamed king thanks Musonius and offers him any reward he might like. Musonius tells the king that following his advice will be the best possible reward for both of them.

On second hearing several points emerge which, measured against the backdrop of Neronian and even Flavian imperial rule, have a much sharper edge. Musonius argues that the basic virtues for kings, as for all

[8] Cassius Dio 66.13.2: "Vespasian immediately expelled from Rome all the philosophers except Musonius." Cf. Laurenti 1989: 2137.

human beings, include wisdom, justice, self-control and courage.[9] The king must know how to differentiate good from bad and beneficial from harmful (χρὴ ἐπίστασθαι τί μὲν ἀγαθὸν ἀνθρώπῳ τί δὲ κακόν, καὶ τί μὲν ὠφέλιμον τί δὲ βλαβερόν). More important than such general knowledge, however, is its application. The king must use such knowledge to administer justice, distributing honor and punishment as deserved (καὶ τιμῆς καὶ τιμωρίας τυγχάνειν τοὺς ἀξίους). Here, however, the argument takes a more interesting turn: justice is not obvious but requires knowledge of philosophy. Indeed:

> ἀμαθεῖς εἰσι τῶν τοιούτων πάντες οἱ μὴ φιλοσοφήσαντες. στασιάζουσι γοῦν καὶ πολεμοῦσι περὶ τῶν δικαίων πρὸς ἀλλήλους, οἱ μὲν ταῦτα φάσκοντες οἱ δὲ ἐκεῖνα δικαιότερα εἶναι. καίτοι περί γε ὧν ἐπίστανται ἄνθρωποι, περὶ τούτων οὐ διαφέρονται· οὔτε περὶ λευκῶν ἢ μελάνων, ἢ θερμῶν ἢ ψυχρῶν, οὔτε περὶ μαλακῶν ἢ σκληρῶν; ἀλλὰ κατὰ τὰ αὐτὰ περὶ τούτων ἅπαντες φρονοῦσί τε καὶ λέγουσιν· ὥστε καὶ περὶ τῶν δικαίων ὡμονόουν ἂν παραπλησίως, εἴπερ ᾔδεσαν ἅ τινά ἐστιν; ἐν ᾧ δ' οὐχ ὁμονοοῦσιν, ἀγνοοῦντες φαίνονται.
>
> … all who have not studied philosophy are ignorant of its nature. The truth of this statement appears from the fact that men disagree and contend with each other about justice, some saying that it is here, others that it is there. Yet about things of which men have knowledge there is no difference of opinion, as for example about white and black, or hot and cold, or soft and hard, but all think the same about them and use the same words. In just the same way they would agree about justice if they knew what it was, but in their very lack of agreement they reveal their ignorance. (trans. Lutz)

If justice were simply a matter of sense perception, of sight or touch, there would be no disagreements about it. This unity of sense perception would express itself in both thought and speech: all would think and say the same things (κατὰ τὰ αὐτὰ … ἅπαντες φρονοῦσί τε καὶ λέγουσιν), but the present lack of agreement shows the ignorance of those who now discuss justice.

Musonius makes the charge explicit in his very next words to the king:

[9] Laurenti 1989: 2135. Musonius returns to these four cardinal virtues again very quickly near the end of Dialogue 9, when he shows that exile cannot prevent one from possessing these four and others: οὔτε γὰρ ἀνδρείαν ἢ δικαιοσύνην ὁ φεύγων ἔχειν κωλύεται, διὸ φεύγει, οὔτε σωφροσύνην ἢ φρόνησιν, οὐδ' αὖ ἀρετὴν ἄλλην ἡντινοῦν ("Certainly the exile is not prevented from possessing courage and justice simply because he is banished, nor self-control, nor understanding, nor any of the other virtues …").

> καὶ οὐδὲ σὺ ταύτης ἐκτὸς εἶ τῆς ἀγνοίας, ὡς ἐγὼ δοκῶ· ὅθεν ἐπιμελητέον σοι τῆς γνώσεως μᾶλλον ἢ ἄλλῳ ὁτῳοῦν, καὶ τοσούτῳ γε μᾶλλον ⟨ὅσῳ περ⟩ αἴσχιον ἀνδρὶ βασιλεῖ ἢ ἰδιώτῃ εἶναι ἐν ἀγνοίᾳ δικαιοσύνης.
>
> Indeed I am inclined to think that you are not far from such ignorance yourself, and you ought therefore more than anyone else to concern yourself with this knowledge, the more disgraceful it is for a king than for a private citizen to be ignorant about justice.

Musonius comes very close to telling this king that, if he has to ask what justice is, he obviously neither knows nor is capable of administering it. While his stated interlocutor here is a non-Roman client monarch, it requires little effort to imagine how popular such advice would have made him with the Roman emperor.

The next virtue required of the king is self-control, σωφρονεῖν. While this is the duty of every human being, the king must in turn use his self-control to control others:

> πῶς δ' ἂν ἢ αὐτὸς σωφρονήσειέ τις μὴ μελετήσας κρατεῖν τῶν ἐπιθυμιῶν, ἢ ἀκόλαστος ὢν ἄλλους ποιήσειε σώφρονας;
>
> But how would anyone achieve self-control if he did not make an effort to curb his desires, or how could one who was undisciplined make others temperate?

We cannot date this dialogue within Musonius' career. Though he can hardly have been active much before Nero assumed the throne, it could in principle date from anywhere in his active career. His disquisition on self-control would be a reproach to any "bad emperor," but the closing line of this section might point us particularly to Nero, for he says that self-control, discipline, and a sense of *aidos*, necessary for all men, in a king make him "preeminently godlike and worthy of reverence" (μάλιστα ἂν εἴη θεοπρεπής τε καὶ αἰδοῦς ἄξιος). Nero's increasing identification of himself with both Apollo and Sol are prominent features of his later reign,[10] but whether his conduct made him "godlike and worthy of reverence" would have been a dangerous question.

That kings require courage, and that courage can only be acquired through philosophy's teaching that death and hardships are not evil is a matter of a few lines' demonstration for Musonius. The standard term for courage is ἀνδρεία, a word which never quite loses its active con-

[10] Champlin 2003: 112–144.

notation of masculinity.[11] When Musonius concludes that kings "cannot become courageous by any other means" than philosophy (ὡς οὐκ ἂν ἑτέρως ἀνδρείοις γενομένοις), he is hinting that without philosophy rulers cannot be real men.[12]

Musonius draws all these threads of argument about virtues together in his image of the good king as "living law." The king must be faultless and perfect, he says:

> εἴ περ δεῖ αὐτόν, ὥσπερ ἐδόκει τοῖς παλαιοῖς, νόμον ἔμψυχον εἶναι, εὐνομίαν μὲν καὶ ὁμόνοιαν μηχανώμενον, ἀνομίαν δὲ καὶ στάσιν ἀπείργοντα, *ζηλωτὴν δὲ τοῦ Διὸς* ὄντα καὶ *πατέρα τῶν ἀρχομένων* ὥσπερ ἐκεῖνον.
>
> if indeed he is to be a "living law" as he seemed to the ancients, effecting good government and harmony, suppressing lawlessness and dissension, a true imitator of Zeus and, like him, father of his people.

The notion of the ruler as the embodiment of law goes back at least to Xenophon's *Cyropaedia*,[13] and there may be echoes of, but also arguments with, Isocratean notions of the good ruler.[14] Of more immediate interest in the contemporary Roman context is the imagery of the ruler as the "father of his people." Musonius is addressing a Syrian king, not a Roman emperor, but the powerful image of the *pater patriae*, the father of the fatherland, is not far to seek. On the very first day of his reign, the not yet 16-year-old Nero declined the offer of this title from the Senate on the grounds of his youth.[15] Yet within eighteen months a still teenaged Nero was using the title on his coins, just as all preceding emperors except Tiberius had done.

It seems natural to look for a connection between the change and a key work by Seneca, the *de clementia*, written for Nero to outline the

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[11] See Nussbaum 2000: 223–224. In Discourse 9, the courageous/ manly individual (*ho andreios*) possesses the same freedom of speech (*parrhêsia*) at home or in exile; cf. Whitmarsh 2001: 278–279.

[12] Nero was certainly not the only emperor whose masculinity was questioned, but it is a prominent feature of hostile accounts of him: see especially the speech of Boadicea in Cassius Dio 62.6.4–5, where she feminizes him as "Nero-Domitia" (ἡ Νερωνὶς ἡ Δομιτία).

[13] 8.1.22: τὸν δὲ ἀγαθὸν ἄρχοντα βλέποντα νόμον ἀνθρώποις ἐνόμισεν.

[14] Lene Rubenstein (pers. comm.) notes the parallel between Musonius' king as "imitator of Zeus" and Isocrates' praise in a discourse on kingship of Evagoras of Cyprus as "descended of old from Zeus" (*Evagoras* 81: γεγονὼς δὲ τὸ μὲν παλαιὸν ἀπὸ Διὸς). See also n. 18, below.

[15] Suetonius, *Nero* 8: … *discessitque iam vesperi, ex immensis, quibus cumulabatur, honoribus tantum patris patriae nomine recusato propter aetatem* ([Nero] left [the Senate] only in the evening. Out of the immense honors heaped upon him he refused only the title of *pater patriae*, father of the fatherland, on account of his age).

duties of a virtuous ruler. Here Seneca takes the image of the ruler as a father to his people, but casts it in particularly Roman terms:

> quod ergo officum est? quod bonorum parentium, qui obiurgare liberos non numquam blande, non numquam nimaciter solent, aliquando admovere etiam verberibus. Hoc, quod parenti, etiam principi faciendum est, quem appellavimus Patrem Patriae non adulatione vana adducti. … Patrem quidem Patriae appellavimus, ut sciret datam sibi potestatem patriam, quae est temperatissima liberis consulens suaque post illos reponens.[16]
>
> (*de clementia* I. 14. 1–2)

> What is that duty? The duty of good parents, who are accustomed to admonish their children sometimes gently, sometimes more threateningly and sometimes even apply blows to them. What a parent must do, a prince also must do, whom we, in no empty flattery, call the "father of his country." … we indeed call him "the father of his country" so that he may know that *patria potestas* is given to him, as he takes counsel what is most suited for his children, subordinating his own interests to theirs.

Seneca moves from parents in general (*parentium*) to an ideal parent (*parenti*) to the by now traditional imperial title (*Patrem Patriae*), and concludes by linking it explicitly for the first time to the Roman notion of *patria potestas*, but a power used temperately and only for the benefit of those it governs.

Musonius again is conversing with a Syrian king and so speaks of the ruler as a "father of his people" or more precisely as a "father of those ruled." Linked with the description of the king as an emulator or "true imitator of Zeus," the paternal image tempts us powerfully to place this discussion in a Neronian context as well.

Musonius introduces the final section of his discourse with the following proposition:

> ἐγὼ μὲν οἶμαι τὸν βασιλέα τὸν ἀγαθὸν εὐθὺς καὶ φιλόσοφον ἐξ ἀνάγκης εἶναι καὶ τόν γε φιλόσοφον εὐθὺς καὶ βασιλικὸν εἶναι.

> For my part I believe that the good king is straightway and of necessity a philosopher, and the philosopher a kingly person.

Musonius sets up an interchangeability between two categories, that of the philosopher and that of the "kingly person" (βασιλικός). He goes on to demonstrate that the kingly person can demonstrate this quality and capacity by his rule over a few people, his wife and children, or even simply over himself:

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[16] Text quoted from Malaspina 2001.

> καὶ δὴ καὶ βασιλικὸς παραπλησίως τῷ κεκτημένῳ πολλοὺς ὑπηκόους ὁ ἔχων ἕνα ἢ δύο τοὺς πειθομένους αὐτῷ· μόνον ἐχέτω τὴν τοῦ βασιλεύειν ἐμπειρίαν, ὥστε καὶ βασιλικὸς εἴη ἄν.
>
> And so the title of kingly person belongs to the one who has only one or two subjects just as well as to the one who has many, only let him have the skill and ability to rule, so that he may deserve the name of king.

It is perhaps an open question how revolutionary Musonius meant this definition of the "kingly person" to be. His insistence that the kingly person (βασιλικός) could demonstrate that nature by rule over a small number of people has the potential to open wide the competition for the imperial mantle, especially under an emperor such as Nero whose fitness to rule was ever more questioned. Lutz perhaps misleads slightly by her more philosophical translation of ἐμπειρία here as "skill and ability." It is simply and straightforwardly "experience." Anyone who can demonstrate the successful experience of ruling over others can lay claim to the title of βασιλικός or kingly person—and then contend for the opportunity to rule over more, as four did in the fateful year of 69.

Discourse 9, "That Exile is not an Evil," seems securely dated to his first exile in 65 under Nero.[17] In it Musonius consoles a fellow (unnamed) exile. He begins by rejecting claims of material disadvantage in exile, on the grounds that exiles are not cut off from water, earth, the necessities of life, or even true friends, and may in fact even lead healthier and happier lives by being separated from what we might call the diseases of civilization such as overindulgent diet and stress.[18] Musonius' key argument, however, turns on the nature of community and the liberty of the individual. Early in his argument that exile cannot separate us from true friends or the necessities of life, he cites the authority of Socrates for the claim that the universe is the fatherland of all:

> τί δ'; οὐχὶ κοινὴ πατρὶς ἀνθρώπων ἁπάντων ὁ κόσμος ἐστίν, ὥσπερ ἠξίου Σωκράτης;
>
> Tell me, is not the universe the common fatherland of all men, as Socrates held?

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[17] Lutz 1947: 70 *ad* 24 identifies his example of Spartiacus the exile as a prominent figure under Nero and thus dates the diatribe to Musonius' first, Neronian exile.

[18] This too may be an answer to Isocrates, who in his *Helen* 8 mocked those who used rhetoric to show that "the life of beggars and exiles is more enviable than that of other men" (ὁ τῶν πτωχευόντων καὶ φευγόντων βίος ζηλωτότερος ἢ τῶν ἄλλων ἀνθρώπων).

While this may seem simply the familiar Stoic cosmopolitanism,[19] Musonius soon carries it further. He cites the familiar example of Diogenes as one who was made into a philosopher by exile, since his separation from the political life of his home city of Sinope freed him for the pursuit of virtue. Exile produces real leisure for philosophy:

> ἅτε μήθ' ὑπὸ πατρίδος τῆς δοκούσης περιελκομένοις εἰς ὑπηρεσίας πολιτικὰς
>
> in that [men] are not forced by what only seems to be their fatherland into performing political duties …

The Platonic implications of the "seeming fatherland," πατρὶς ἡ δοκούση, are very intriguing indeed. From the perspective of his own exile, Musonius sees the existing realms such as the Rome which banished him not as true states, but deceptive illusions of the real fatherland which is the cosmos. Though the reference is subordinated to the initial proof that the material disadvantages of exile are also illusory, the claim that existing political authorities are pale imitations of the real fatherland has revolutionary implications.

Far more important to Musonius, however, is his demonstration that, contrary to the popular view, exile from one's native political community does not involve loss of freedom of speech (*parrhêsia*). Classical political theory saw the community as the ground and guarantor of *parrhêsia*,[20] and Musonius begins by citing Polynices' assertion in Euripides' *Phoenissae* that the greatest evil for an exile is that one lacks freedom of speech:

> ἓν μὲν μέγιστον, οὐκ ἔχει παρρησίαν
>
> (*Phoenissae* 391)

Jocasta in reply labels this the state of a slave, lacking the power to say what one thinks. Musonius however turns this on its head, showing that the exile, already separated from the home political context, now can say whatever he likes:

> οὐ γὰρ οἱ φεύγοντες ὀκνοῦσι λέγειν ἃ φρονοῦσιν, ἀλλ' οἱ δεδιότες μὴ ἐκ τοῦ εἰπεῖν γένηται αὐτοῖς πόνος ἢ θάνατος ἢ ζημία ἤ τι τοιοῦτον ἕτερον. τοῦτο δὲ τὸ δέος μὰ Δία οὐχ ἡ φυγὴ ποιεῖ.

[19] Whitmarsh 2001: 279, with further references.
[20] Even Isocrates includes *parrhêsia* among educational forces in society (*Nicocles* 3).

> For it is not as exiles that men fear to say what they think but as men afraid lest, from speaking, pain or death or punishment or some such other thing shall befall them. Fear is the cause of this, not exile.

With numerous examples Musonius drives home the lesson that only the individual's fear, which philosophy conquers, can inhibit the freedom to say "whatever one thinks" (ἃ φρονῶν τυγχάνει τις).

Tim Whitmarsh argues that Musonius' pairing of himself with Diogenes does more than show the philosopher's freedom from fear. The practice of free speech confers power on the philosopher. The key section of the argument is this:

> ὅτε Διογένης φεύγων ἦν Ἀθήνησιν, ἢ ὅτε πραθεὶς ὑπὸ τῶν ληστῶν ἦλθεν εἰς Κόρινθον, ἆρα τότε πλείω παρρησίαν ἄλλος τις ἐπεδείξατο Διογένους ἢ Ἀθηναῖος ἢ Κορίνθιος; … ὅς καὶ Ξενιάδου τοῦ πριαμένου αὐτὸν ὡς δεσπότης δούλου ἦρχεν. καὶ τί δεῖ τὰ παλαῖα λέγειν; ἀλλ' ἐγώ σοι οὐ δοκῶ εἶναι φυγάς; ἆρ' οὖν ἐστέρημαι παρρησίας; ἆρα ἀφῄρημαι τὴν ἐξουσίαν τοῦ ἃ φρονῶ λέγειν;

> … when Diogenes was in exile in Athens, or when he was sold by pirates and came to Corinth, did anyone, Athenian or Corinthian, ever exhibit greater freedom of speech than he? … Why, even Xeniades, who bought him, he ruled as a master rules a slave. But why should I employ examples of long ago? Are you not aware that I am an exile? Well, then, have I been deprived of freedom of speech? Have I been bereft of the privilege of saying what I think?

The story of Diogenes and Xeniades is told more fully in Diogenes Laertius (6.30) and seems to have formed the plot of Eubulus' play, the *Sale of Diogenes*. In this version Diogenes orders his prospective master Xeniades to buy him. Musonius may expect his audience to have this part of the story in memory. Whitmarsh argues forcefully that ἐξουσία, which Lutz renders as "privilege," elsewhere regularly means "power" or "political authority," and should be so construed here.[21] The result is a profound reversal of hierarchy: exile confers on Musonius the power to speak what he thinks.

At a stroke, Musonius shifts the foundation of political freedom from the idealized community of the Greek democratic past, which once guarded the citizen's right to equal access and equal opportunity to speak, to the individual. The individual expresses that freedom through oral praxis. Musonius does so precisely at the time in which, as Shadi Bartsch has shown,[22] the Roman political class was rapidly losing its

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[21] Whitmarsh 2001: 282.
[22] Bartsch 1994.

sense of self direction and was being forced to perform for survival in front of a controlling audience of one, the emperor. Musonius offers his hearers the opportunity to reverse the power equation again, to say to the emperor, like Coriolanus, "I banish you."

A universal community of oral praxis is both a philosophical and political ideal for Musonius Rufus. Age seems to have muted the radicalism inherent in his cosmopolitan world view,[23] for we hear of no more troubles or direct involvement in politics after his second exile. Even in Discourse 9, after setting up the opposition between the seeming fatherland of present political practice and the true fatherland of the cosmos, Musonius again refers in a concessive if clause to "someone who has deprived us of our fatherland," i.e., Rome (καὶ γὰρ εἰ τὴν πατρίδα τις ἡμᾶς ἀφῄρηται). Rome was still his fatherland when he spoke those words in exile, and he returned to it again and again. Yet his dream of a community of free speech, uninhibited by any fear of death or punishment, continued to inspire subsequent generations, as can be seen from the pseudo-Lucianic dialogue entitled *Nero*, which features the character and particularly the performative abilities of the emperor. Whitmarsh again has shown in a fascinating study how this dialogue, which might be as late as the third century AD, thematizes the conflict between Nero as tyrannical writer and Musonius as champion and exemplar of free, oral speech.[24] Whether transmitted as fragments or restaged as fiction, that voice of Musonius endures to challenge us today.

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PART V

ORALITY AND WRITTEN LAW

ORAL "AGREEMENT", WRITTEN CONTRACT, AND THE BONDS OF LAW AT ATHENS

Edwin Carawan

In fourth-century Athens an important political idea was often expressed in these familiar terms: the law is a sort of contract governing the community; conversely, a contract that private citizens enter into is a sort of limited law. So, as Aristotle attests in the *Rhetoric* (1.15.22), if the speaker has a contract on his side, he can make these arguments:

> *A contract is a law* that applies to individuals and particulars (only); and contracts do not make law authoritative, but laws give authority to contracts made in accordance with law; and in general the *law itself is a certain kind of contract* (αὐτὸς ὁ νόμος συνθήκη τίς), so that whoever disobeys or abolishes a contract abolishes the laws. (22) Further [he can say] most ordinary and voluntary transactions are done in accordance with contracts, so that if they lack authority, the commerce of human beings with each other is abolished.[1]

On the other side of the debate the same analogy applies (23): if the contract is against us, we should argue just as we would if the law were against us, saying, we would not obey laws that are wrongly conceived, so it is outrageous to be bound by such contracts.

Of course the basic idea, that legitimate authority relies on binding agreement, has old and far-reaching roots: it was certainly contemplated by thinkers of the fifth century BCE;[2] and it remains to this day a reliable premise of liberal theory.[3] But the commonplace in the *Rhetoric*

[1] The translation here is adapted from Kennedy 1991: 114. *Synthêkai* is aptly rendered "contract" as, the written terms represent the enforceable obligation. Treated severally, the same term may also be translated "covenants" or "terms of agreement" (esp. the "Covenants" of Reconciliation, 403/2).

[2] For the bronze-age antecedents (covenant of suzerain and vassal), see esp. Hillers 1969: 25–45. For a summary of emerging ideas in the late fifth century, see Guthrie 1971: 135–147; cf. Popper 1966: 1.114–119 (for his theory on Lycophron see below, n. 30). In Antiphon *On Truth*, ὁμολογηθέντα τῶν νόμων ("agreements of law;" Diels–Kranz 87 F44 A col. 1. 27 – col. 2.10), seems to assume an oral practice (relying on witnesses); cf. Havelock 1957: 271–278; and see now Gagarin 2002: 63–80.

[3] Notably in Rawls' *Theory of Justice* (1971), 17–22 and 121–143. For the link between commerce and social contract, cf. Attiyah 1979: 34–60. Further at nn. 12 and 44 below.

relies upon a contract of a peculiar type: written terms were instrumental but the decisive "agreement" was made out loud. Their contract was a device of limited literacy, rooted in orality; and this way of creating obligations inevitably affected the way they read the law.[4] In this essay we investigate that link between private dealings and the political idea. By the nature of the evidence it will be best to work backward. We begin in the era of the *Rhetoric*, when the commonplace is well attested, in order to outline the ordinary practice and the working assumptions (§ i). We then turn back to the period when the special construction of law as a semi-literate contract of this type seems to emerge, the decade following the restoration, when litigants in the courts argued over their obligations under the Covenants of Reconciliation (§ ii).

I

The Athenian contract never ventures very far from the "real" transaction, the handling of hard assets.[5] The obligation is essentially understood as something owed on what was actually received (though various fictions extended the reach of the receipt). Thus, in the rhetorical equation, "contract"' belongs to a binding sale, loan, lease, or settlement. As "terms of agreement," *synthêkai* contain all the conditions and consequences of the deal.

The terms of agreement are always in writing,[6] yet, through much of the fourth century, that text has no authority in itself.[7] The legally decisive moment is the oral acknowledgement of the transaction at hand "upon these (written) terms."[8] For this reason the *Rhetoric* emphasizes

[4] On limited literacy at Athens see esp. Hedrick 1999: 387–439; 2000: 127–135.

[5] On Athenian agreements as "real" contracts in this sense (from Latin *res*), cf. Wolff 1957: 26–72; 1966a: 316–327; Todd 1993: 253–268; Mirhady 2004: 51–63.

[6] The few exceptions prove the rule: Dem. 47. 75–78 and 42.12 refer to oral *homologiai* but not contracts (that one could sue to enforce). Aesch. *Choe.* 555 is the earliest example of *synthêkê* and refers to an *un*written commitment (perhaps reflecting the novelty); cf. Kußmaul 1969: 16.

[7] In the later fourth century the law appears to give a certain authority to the written contract, even unwitnessed, in the special jurisdiction for *dikai emporikai* ("merchant claims"), as in Dem. 56; cf. Pringsheim 1950: 43–47. References in Dem. 32–35, suggest that one could challenge the admissibility of the suit *in this expedited procedure* if there were no written contract. In Dem. 56 the lender at Athens seems to hold a valid contract without having it witnessed or deposited; cf. D. Cohen 2003: 92–96.

[8] As illustrated in the examples to be discussed below. Contracts based upon group affiliation regularly dispensed with deposition in favor of publication: see for example

the evidence of those who witness and safeguard the contract: their role is not simply to authenticate the document but to verify what was orally agreed.[9]

The speeches and inscriptions tell us how that worked: in a standard contract for renting land or loaning money or for dividing a disputed estate, the landlords, the lenders, or partners affirm orally that they have "leased" or "loaned" or "settled," and the specifics are simply acknowledged as "on these terms," *epi synthêkas tasde* (or the like). Such *synthêkai* include the due date; the interest; how the property will be maintained; and often, of necessity, some provision foreclosing further dispute. They prescribe penalties for any failing (usually half again or double the principal); they may allow distraint or *praxis* (for the lender to seize property in payment), appoint a surety (to pay if the debtor defaults), or authorize an arbiter to dispose of any disparity under fixed terms.[10]

But whatever the written guarantees, the enforceable obligation is conceived and concluded orally: the parties must acknowledge out loud a hands-on transaction, and the essence of the deal cannot be easily distilled from that sequence of events. It is a product of "situational thinking."[11] There seems to be no point in viewing the "agreement" abstractly, defining it in and of itself, apart from the concatenation of circumstances. For the *synthêkai* describe a set of terms in writing

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the set of contracts by demes, *orgeones*, etc. in *IG* ii^2 2492–2501; cf. Kußmaul 1969: 37–55; Millett 1991: 171–178.

[9] *Rhet.* 1376b: "As regards contracts … rendering them credible or not …there is no difference from the treatment of witnesses; for contracts are credible insofar as the persons inscribed in them and custodians of them are (credible)." Again adapting from Kennedy's translation (1991), I have recast οἱ ἐπιγεγραμμένοι as "persons inscribed" in the document rather than "signatories": so far as we can see, the parties and witnesses did not "sign" but orally affirmed.

[10] Lenders affirm, that they "have leased" or "have loaned … *upon these covenants*" (or the like): *IG* ii ^{2} 1635, ἐδανείσαμεν ἐ]πὶ ταῖς αὐταῖς συνθήκαις, κτλ. (restored from parallel); *IG* ii ^{2} 1241, decree of the Dyaleis (330/299); *SEG* 24:203 (lease of an orchard), κατὰ τ[άδ]ε ἐμίσθωσεν … στῆσαι δὲ στήλην Θρασύβουλον ἐν τῶι ἱερῶι ἀντίγραφα τῶνδε τῶν συνθηκῶν ("Thrasybulus is to publish a copy of these covenants on stele in the shrine"). Numerous mortgage *horoi* also attest to this feature, e.g. *IG* ii^2 2724 (319/8), "boundary marker of the property, house and garden mortgaged upon the covenants deposited with Gniphonides" (κατὰ [τὰ]ς συνθήκας τὰς [κει]μένας παρὰ Γνι[φ]ωνίδει). Similarly, *IG* ii^2 2701, 2725, 2726, 2727, 2741, 2758, 2768; *Hesp.* Suppl. 9:35.24; among the speeches: Dem. 33, 34, 35, and 56. Usually witnesses were present when the parties deposited the contract and when the contract was terminated.

[11] On "situational thinking" and abstraction, cf. Ong 1982: 49–57; Havelock 1963: 197–231.

that only become binding with oral acknowledgement of the sale or settlement, lease or loan. The examples that follow should make this clear, but first let us consider how that oral and transactional character might affect the basic idea of binding obligation.

"Agreement" itself, *homologia*, is a very contentious word, at the heart of a controversy on the essence of contract, ancient and modern.[12] As it means essentially "saying likewise," it is sometimes treated as proof that Greek contracts were made by a meeting of minds, like Roman *consensus in idem* ("agreement on the same") or common-law "consideration": "agreement" should be a congruence of reasonable expectations; it involves binding promises for a particular objective that both parties properly understand. So if I agree to sell you my house at a certain price and you give earnest money in proof of your agreement, then we both have a clear understanding that the contract is for that decided purpose. If there was an error or misrepresentation then (in principle) the contract may be void. Thus, for us, the meeting of minds is essential.

But the Athenian evidence indicates a very different way of using words and things to make a deal. To be sure, their contracts included certain commitments for the future contained in the *synthêkai*, and the law itself asserted that those *synthêkai* shall be binding or final (*kyriai*) as "whatever terms the parties have agreed to." So litigants will sometimes argue as though their "agreement" consisted in a particular promise and the issue of consensus should weigh heavily in the scale of justice. But as a procedural step, what is called "agreement" simply acknowledges aloud a disposition of assets at hand: the parties "have loaned" or "have leased," or the like. And when the issue comes to court, the litigants often seem at a loss to define the "agreement" apart from that transaction.

To see how the Athenians saw the issue, let us put those terms into a context where their effect is well illustrated; the realm of commercial loans and mercantile lawsuits (*dikai emporikai*). A particularly instructive example is [Dem.] 35, *Against Lacritus*, a case that came to court in the era of the *Rhetoric*, not long before 340 BCE.[13] The decisive "agreement"' consists in the oral statement that the lender "has loaned..."

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[12] See esp. Fried 1980 and 1981; Kimel 2003; and see now E. Cohen (forthcoming) in *Symposion 2003*. For the opposing model, see Attiyah 1979: esp. 36–90.

[13] Cf. D. Cohen 2003: 92–96. For the workings of *dikai emporikai*, see Isager and Hansen 1975.

(10, 15); it was made at the point of "depositing the covenants" (*synthêkas katathesthai*), in the hands of a custodian or trustee (one Archenomides). The speaker refers back to that commitment as "what was agreed" or acknowledged (*homologêthenta*). It is this acknowledgment that the witnesses must be present to confirm.[14]

All the conditions and consequences are defined in the *synthêkai.* For 3000 drachmas at a steep rate of interest, the brothers of Lacritus had agreed to load 3000 jars of wine in the Chalcidice, to sell that cargo in Bosporus and then return with a cargo of marketable goods to Athens. These cargoes are pledged as security, and must be solely pledged to the plaintiff and his partner, "free and without encumbrance" (not to be used as collateral for any other loans); for any failing there are penalties, stiff but standard.

Now the debt has not been paid and the security is long gone. So, developing the commonplace that Aristotle described, our plaintiff insists that the contract is a sort of law unto itself (39). Indeed, nothing is more decisive (*kyriôteron*) than the written terms, neither [can one] adduce any law or decree or anything else in opposition to the contract. He who breaks his contracts is trying to be stronger than the laws (54).

Oddly enough, the liability has no basis in any "agreement" that Lacritus made for himself. His brother made the deal and then died before paying it off. Now Lacritus contends he has abandoned the estate, but he is nonetheless entangled in the transaction. The plaintiff insists that Lacritus was actively involved in negotiating the deal, that he drafted the contract, gave certain guarantees, and still holds some of his brother's property (that grew from the proceeds). So, even though he is not named in the written contract and never formally entered into the agreement, Lacritus cannot easily extricate himself from the transaction.

To our way of thinking, a claim on the contract may seem simply groundless—the judge should throw it out—since Lacritus never agreed to be surety or underwrite his brother's loan. But for the Athenians, that very issue is one for the jury to decide in the special procedure for a "plea to bar the lawsuit," the *paragraphê.* In this case, invoking the law that governs the special court for "merchant claims," *dikai emporikai*, Lacritus has challenged the suit on the grounds that there is no transac-

[14] Dem. 35.14: μαρτυροῦσι παρεῖναι ὅτ' ἐδάνεισεν ("they testify that they were present when he loaned").

tion or "real obligation" (*symbolaion*) binding upon him.[15] There seems to be no argument on the point that might seem more compelling to us, that there was no proper agreement, no *consensus in idem*.

The case against Lacritus is an extreme example (and thoroughly argumentative), but it serves to illustrate the problem: what we translate "agreement," *homologein*, is not a window on the meeting of minds. The *synthêkai* may amount to promises, but if the agreement ends in a lawsuit, the litigants are likely to argue over what happened (Was proper collateral provided? Was there shipwreck or sabotage?), not what they honestly intended. The binding "agreement" belongs to a sequence of events and cannot be easily abstracted from it. This situational dimension helps to explain what is otherwise puzzling about Athenian contract disputes: though their lawsuits often involve what we would regard as questions of consensus, the Athenians simply had no "doctrine" of consensual contract.[16]

In modern legal reasoning based on Roman law or common law, the long tradition of literate thinking reinforces *consensus in idem* as the essence of what we call "agreement."[17] Seeing our words habitually in written text, we readily abstract the essential idea from the events and circumstances. We see the *ipsissima verba* as a representation of our aims and assumptions; we envision a particular scenario. Because the writing represents "what we had in mind," if there is a mistake or misrepresentation, we may sue to void the contract—to free ourselves from meeting an obligation that we did not envision. In Athenian agreements, however, so far as we can see, there was no suit to void a contract or any for breach of contract *per se*. That is because the contract is not binding until the parties orally acknowledge the real exchange; once money or goods change hands then, if the contract is misleading, one has a remedy for the actual loss.[18] This is not to

[15] *Symbolaia* are the specific obligations that arise from some act (not from mere agreement) and may be delictual or contractual: Kußmaul 1969: 25–30; 1985: 31–44; Mirhady 2004: 51–63. In Isoc. 17.20, the speaker refers to paying off the *symbolaion*, specifically the debt that is owed to him from the deposit he made with Pasion (without any "contract" in the usual sense).

[16] Todd 1993: 264–268.

[17] For the overlapping principle of consensus and consideration see esp. Buckland and McNair 1965: 193–236. In Roman *stipulatio* the form of words, *spondesne? spondeo*, was sufficient in itself to establish a binding obligation (before any goods change hands). But the rule that a mistake might void the obligation was an adaptation of the late middle Republic.

[18] Wolff (1957 and 1966a) describes this dimension well enough. His theory deriving

suggest that the Athenians were incapable of recognizing a meeting of minds. It is rather an instance of the way the legal remedies developed with the situational thinking characteristic of oral cultures, and even after written instruments were standard the Athenians were slow to introduce literate-minded abstractions into their legal reasoning.

This is especially clear in the few speeches where a litigant tries to overturn the contract on some unwritten understanding. Such is the case in Hyperides' speech *Against Athenogenes* from the 320s BCE.[19] The plaintiff Epicrates was enamored of a slave boy belonging to Athenogenes; the two men quarreled, and then reconciled. Athenogenes, as though overcome with generosity, offered to sell the boy outright, along with his father and their perfumery. The business came with certain debts and assets, but without a full accounting. On those terms they made their binding agreement and duly deposed the contract with a third party. Now Epicrates finds the debts are huge, and he argues that Athenogenes cheated him, just as if he had sold him a slave with some hidden defect. But he sues for damage—not to void the contract but to get paid for the losses it caused him. Athenogenes, to the contrary, will have the contract read out and insist upon the law that makes final whatever terms the parties agreed to. When Epicrates replies that surely the law means to enforce only contracts that are "just" (*dikaion*), his point seems to be that the jury should rectify his situation by their "most just opinion" (*dikaiotatê gnômê*); he as much as admits that the law itself gives him no specific protection against unintended consequences.

Epicrates may have more of a case than the fragmentary text will reveal.[20] But the very question of what was meant seems moot. Indeed, Athenogenes is willing to admit that there may have been some mis-

promissory obligations from oath, has met with reasonable skepticism: cf. Todd 1993: 266–267; Carawan (forthcoming).

[19] On this difficult text, see now Whitehead 2000: 265–335; esp. 315–317, on the claim of *bouleusis* (fraudulent "plotting"). It was once supposed that this case documents a principle of Athenian law comparable to *exceptio doli* (overturning contracts based on deception), but as Meyer-Laurin observed (1965: 15–19), the very pleading points to the contrary: Epicrates must extract a principle of fair dealing from comparable laws because there is no overarching rule to invalidate contracts for deception.

[20] There are signs of an argument on fair value in col. 12, §26; but ironically it is Athenogenes who is supposed to raise the issue. Epicrates protests, "Which is more likely, that I was eager for a trade of which I had no experience, or that you and your *hetaira* plotted against me?" Presumably Athenogenes would argue that Epicrates acquired a working business with value beyond the actual stock. It is perhaps indicative that this principle would be attributed to the savvy Egyptian metic.

understanding, about the nature of the property—whether it was bankrupt or profitable—and what the buyer expected to do with it. In modern law we might argue that such errors void the contract: the agreement involves a reasonable expectation that hidden debts should not outweigh the value of the property. But that way of respecting "agreement" seems alien to this argument. Epicrates finds nothing in the contract or in the statutes to show that a meeting of minds—what the buyer and seller honestly understood—takes precedence over the writing as a mere representation of it. He can only plead that he must have been out of his mind, like an old man who makes his will under the spell of a designing woman (17).

After all, the terms of agreement are only recognized in the *synthêkai* and then become binding when the parties orally acknowledge their transaction: the seller says, "I have sold" such-and-such a property "on these terms," *epi synthêkas tasde*; and the buyer says likewise. Apart from that acknowledgment there is no meeting of minds. In this case the oral "agreement" does not include a reading of the *synthêkai*; and, once that document is duly deposited, it severs the transaction from any unacknowledged consideration.[21] Putting that written text in the custodian's hands is a way of marking off this speech act as final, regardless of unwritten expectations.

This speaker is, on his own description, a creature of marginal literacy who did not understand the effect of agreeing to the sale "upon these terms." When they had reconciled, Athenogenes had a written agreement already drawn up, and Epicrates merely heard it read and promptly agreed to it; he did not read the document for himself. After that first reading the document was "sealed" (8), and, when it was later deposited with Lysicles, they apparently affirmed the agreement "on these terms" without reading them out. Once the creditors began to hound him and he realized what he had gotten into, he called on friends and relatives and they *together* read his copy (8–10). When Epicrates protested at being ensnared in the *synthêkai*, Athenogenes merely observed that he had a contract on deposit, and that should dispose of the matter (11–12).

[21] Thomas (1989: 41) treats this case as a contract without witnesses, but that is true only of formal witnesses (without any other role) such as Pringsheim (1950) emphasized. As we see in [Dem.] 48.11–12, 47–48 (and may suppose in Lyc. 1.23), the custodian himself serves as witness to the oral affirmation and might be called to testify at trial.

Epicrates' portrayal of himself as relying on the literacy of others may be a pretense, to deepen suspicion that Athenogenes, the "speech-writer" (*logographos*, 3), set a trap for him. But it presupposes what the jury might readily believe, that people often did enter into contracts that they could not read for themselves with any facility. They did so because the contract is part of a transaction that seems self-evident. If the disadvantaged party then protests at being bullied by this scrap of papyrus, "bought for two pennies," what he objects to is not that the writing overrules his reasonable expectations but that it can outweigh the money or the goods that he handed over.[22]

As a rule of law the Athenians embraced this principle, that the parties are bound by their acknowledgement of the transaction "upon these (written) terms." Indeed, in the end even this plaintiff does not dispute that principle. All he can do is to invoke a higher contractual authority: the law itself is a sort of super-contract. Athenogenes is now insisting upon the *synthêkai* as his own private law after violating those that bind the community at large.[23]

We can follow that line of argument back to the early fourth century. Indeed, we find a comparable dispute in Isaeus 5, *On the Estate of Dicaeogenes*, around 390. Here again we might expect the plaintiff to be insisting, "The text says one thing; what I meant was something else." But that is not quite the distinction he tries to draw.

The binding obligation in this case derives from a "settlement" (*diallagai*) rather than a commercial venture, and settlement contracts certainly have distinctive features: *diallagai* are regularly concluded under oath, whereas most commercial contracts require no oath.[24] But both

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[22] Cf. [Dem.] 56.1: "The borrower has all the advantage, for he took the money outright and acknowledged, and has left behind the 'agreement' on a little paper purchased for 2 pennies" (ὁ δανειζόμενος ἐν παντὶ προέχει ἡμῶν. λαβὼν γὰρ ἀργύριον φανερὸν καὶ ὁμολογούμενον, ἐν γραμματειδίῳ δυοῖν χαλκοῖν ἐωνημένῳ καὶ βυβλιδίῳ μικρῷ πάνυ τὴν ὁμολογίαν καταλέλοιπε).

[23] Col. 15, §30–31: κοινὰ[ς] τῆς πόλεως συνθήκας παραβὰς ταῖς ἰδίαις πρὸς ἐμὲ ἰσχυρίζεται ("violating the common covenants of the city, he insists on his private [covenants] against me").

[24] Cf. [Dem.] 48, esp. §30. The issue at trial is the partnership created when the two in-laws settled their claims to the estate; agreements of this sort were bound (like any commercial loan or lease) by the "law of agreement," that whatever terms the parties agree to shall be *kyria* (below n. 29). For a detailed "settlement contract" see *SEG* 21: 527, reconciling two groups within the clan of Salaminioi for common sacrifice and shared market (363/2); cf. Lambert 1998: 64–66; on oath and contract, Carawan (forthcoming).

types of contract are subject to essentially the same rule, that whatever terms the parties agree to shall be final; and that decisive commitment takes the form of acknowledging a fact at hand rather than merely promising to do thus-and-such in future. So just as lenders affirmed "they have loaned" and landlords that "they have leased," the parties to a settlement would acknowledge that they have disposed of the property "on these terms." It is, again, the oral acknowledgement of that transaction that constitutes the binding "agreement."

By the very nature of the agreement, the litigants will make specific commitments to do thus-and-such in future, thus to pay off what is owed for the past; but, strictly speaking, those commitments are sealed in the *synthêkai*, not the wording of the oral "agreement" *per se*. The defining feature of *diallagai* is the pledge barring any further dispute over claims that are hereby resolved once and for all: "not to recall-wrong" (*mnêsikakein*), "to be friends" in future and "make no further mention" of settled grievances. That quitting of the quarrel paves the way for the "agreement."[25]

The case reported in Isaeus 5 is complicated. At the death of Dicaeogenes (II) apparently in 412/11, his estate was divided between his sisters and his adoptive heir Dicaeogenes III. Twelve years later the estate was again subject to litigation: Dicaeogenes III laid claim to the whole estate.[26] Ten years thereafter the sons of the sisters renewed their claim only to have it quashed with a *diamartyria* by Leochares; he swore that Dicaeogenes was, indeed, sole heir to the whole estate. Leochares was brought to trial for false testimony and the jury voted to convict him; but then the parties conferred and, before the votes were counted to decide the penalty, they agreed that the verdict be set aside as Dicaeogenes "vacated … and agreed to deliver without dispute" two-thirds of the estate (ἀφίστατο … καὶ ὡμολόγει ἀναμφισβήτητα παραδώσειν). Leochares agreed to be surety, and now, in the case for which Isaeus wrote the speech, Leochares is charged with reneging on that obligation.

[25] As in Hyp. *Ath.* 5.9; [Dem.] 48.7–9; Isoc. 17.19–20 (discussed in §ii). For this clause in arbitrated settlements, see [Dem.] 59.46, with Scafuro 1997: 120–123.

[26] Is. 5.7–8: "After they divided the estate, swearing not to transgress what was agreed (ὀμόσαντες μὴ παραβήσεσθαι τὰ ὡμολογημένα), each held his share for 12 years; in all this time, while the courts were in session, no one thought fit to claim that what was done was wrong, until the city had suffered disaster and there was civil war—then Dicaeogenes contested the whole distribution of the estate." Cf. Wyse 1904 (1979): 402–415. On the *iustitium* ending 401, cf. Whitehead 2002: 3–28.

The vow, of which so much is made, "to deliver without dispute," is probably not the true wording of the oral agreement. It introduces a crucial clause of the covenants, the quitting of quarrels that is standard in *diallagai.* The natural meaning of that covenant is that Dicaeogenes cannot go back on this latest disposition of the estate; it is "indisputable" *by him.* But the plaintiffs have joined that language to the oral "agreement" so as to argue that Dicaeogenes agreed to surrender the property "undisputed." On that basis they contend that Dicaeogenes must deliver the property unencumbered—unclaimed *by anyone else.* After all, without that guarantee much of their real estate is out of reach, mortgaged to others.

The turn of thought seems persuasive enough to us in a modern setting. For we would invoke the meeting of minds and insist upon what we envisioned: we would receive certain properties and, in exchange, forego the penalty that Leochares owed us; so it violates the essence of the agreement if the assets we bargained for prove worthless. But it is doubtful whether the Athenians would give much weight to that rationale. It needs to be in the *synthêkai.* If Dicaeogenes had agreed to restore those properties unencumbered, there was standard language to express that: the property should be "free and clear" (*eleuthera*, *kathara*), or "unattached" (*anepapha*). The cousins cannot find that language in the contract. They claim that is because of the way the text took shape:

> [Leochares] denies that he became surety for those obligations…, because they are not in the document that was written at court. But we were in a hurry there on the speaker's platform and wrote down some provisions, called on witnesses to vouch for others. These men claim that whatever terms of the agreement benefit them are valid—even if they were not written down—and what does not serve their case they say is not valid if not written. I am not surprised that they deny what was *agreed*; for they refuse even to fulfill what was *written.*[27]

This passage certainly draws a distinction between the "written text," *grammateion graphen*, and "what was agreed," *ta hômologêména.* But what this plaintiff seems to be insisting is not that he meant one thing;

[27] Is. 5.25–26: Λεωχάρης καὶ τῶν πάντων ἡμῖν κακῶν αἴτιος οὔ φησιν ἐγγυήσασθαι ἃ καταμαρτυρεῖται αὐτοῦ, ὅτι ἐν τῷ γραμματείῳ τῷ ἐπὶ τοῦ δικαστηρίου γραφέντι οὐκ ἔνεστι ταῦτα. Ἡμεῖς δέ, ὦ ἄνδρες, τότ' ἐπὶ τοῦ βήματος σπεύδοντες τὰ μὲν ἐγράψαμεν, τῶν δὲ μάρτυρας ἐποιησάμεθα· οὗτοι δέ, ἃ μὲν αὐτοῖς συμφέρει τῶν ὁμολογηθέντων τότε, κύριά φασιν εἶναι, εἰ καὶ μὴ γέγραπται, ἃ δ' οὐ συμφέρει, οὐ κύρια, εἰ μὴ γέγραπται. Ἐγὼ δ', ὦ ἄνδρες, οὐ θαυμάζω ὅτι ἔξαρνοί εἰσι τὰ ὡμολογημένα· οὐδὲ γὰρ τὰ γραφέντα ἐθέλουσι ποιεῖν.

and the text says something else; but that the *oral* acknowledgement must prevail over any defects in the *written* document. They agreed on many things verbally; only some were actually written down. Now, from the later evidence, we know what he means: they made oral acknowledgement of a settlement and (he is contending) what they agreed, in so many words, was that Dicaeogenes has surrendered two-thirds of the original estate to his cousins. If the plaintiff's witnesses confirm that such was indeed "agreed," he may have a case.[28]

But it sounds as though this plaintiff, much like Hyperides' client who bought a bankrupt perfumery, did not fathom the function of the text—or he can pretend he did not because it was a common mistake. The oral agreement cannot deal with all the contingencies—that is what *synthêkai* are for. The "agreement" recognizes the act at hand. A seller says, "I have sold…;" a lender says, "I have loaned…;" competing claimants "have settled;" all, "on these terms." The subsequent obligations—how to pay, and how to handle any disparity—must be contained in the *synthêkai.* They are not to be found in a meeting of minds—that is not what this plaintiff is asserting. He is insisting on what was "agreed" out loud.

The defendant Leochares, is vulnerable to this line of argument because he stood as surety for the settlement: that commitment naturally implies that there is something for him to insure. So, the plaintiffs argue, it *had to be* "agreed" that Leochares would be liable for the return of property. But he will insist upon the statute that makes final "whatever *terms* the parties have agreed to" specifically and not what anyone intended or assumed.[29]

For the Athenians what is important about *synthêkai* is their power to secure the transaction against any default or defect. Thus the written part of the contract includes provisions that seem largely promissory but whose purpose is not to create new obligations for the future; their

[28] In the connected argument there is no indication that the witnesses (at §18) would specifically verify the promise to deliver two-thirds of the estate unencumbered.

[29] For the characteristic phrasing (ὅσα ἄν ὁμολογῶσι, κύρια), cf. Is. 5.1, ὡμολογημένα …κύρια; Dem. 47.77; 48.54; 56.1–2; Hyp. *Ath.* col. 6, §13; Plato *Symp.* 196b–c; *Laws* 920d; Arist. *Rhet.*1375b. In a few passages valid agreement is qualified as "willing(ly)": ἅ δ'ἄν ἑκὼν ἑκόντι ὁμολογήσῃ ("whatever one willingly agrees with a willing partner"), Plato *Symp.* 196b–c; cf. [Dem.] 48.54; 56.1–2). But these do not seem be verbatim text of the law. Indeed, if the qualifier ἑκὼν were in the relevant law, surely Epicrates would emphasize it: Whitehead 2000: 305; Lipsius 1896: 39–45. In any case, ἑκὼν indicates an *attitude* about the *transaction*, not specific or "deliberate" intent; cf. Rickert 1989: esp. 128–143.

aim is rather to settle any foreseeable dispute about the transaction at hand. Enlisting sureties, such as Leochares, is one way of deciding beforehand how such quarrels must be resolved. Ordinarily the surety must see to it that debts are paid or be liable himself for those obligations. Indeed, this practice, with its obvious limitations, seems to have inspired a particular formulation of the political idea; so Aristotle cites Lycophron (*Pol.* 1280b10–12) for the view that "law is contract *and surety* (to guarantee) to one another their rights, but not sufficient to make the citizens themselves good and just."[30]

II

The principle of binding "agreement," on certain terms that block the predictable paths of dispute, is central to Isocrates' speech *Against Callimachus* written soon after the Reconciliation, probably in the period 402–401.[31] This is important testimony for how the authority of law was constructed on the model of ordinary agreements, though the speaker never quite makes the equation, "law is contract," *nomos synthêkê*. Indeed, it is all the more instructive because that commonplace is not yet in play. Instead this version emphasizes the link between private settlements and the treaty obligations upon which democracy was reconstructed.

Callimachus has sued Isocrates' client for money confiscated under the oligarchs. Invoking the new procedure for *paragraphê* ("plea to bar the suit"), Isocrates argues that the charges were strictly prohibited by the Covenants of Reconciliation, the *synthêkai* that reunited the polis. In an extended passage (24–28) he makes much of the obligations incurred under covenants generally. And he gauges their importance

[30] Diels–Kranz 83 F3: καὶ ὁ νόμος συνθήκη καί, καθάπερ ἔφη Λυκόφρων ὁ σοφιστής, ἐγγυητὴς ἀλλήλοις τῶν δικαίων, ἀλλ' οὐχ οἷος ποιεῖν ἀγαθοὺς καὶ δικαίους τοὺς πολίτας. We know of Lycophron only as a "student of Gorgias," whom Aristotle associates with Alcidamas (*Rhet.* 1405b–1406a). Popper 1966: 1.114–115, saw Lycophron as the inventor of a viable social contract (free of the "historicist fallacy"); he read the second clause ("not sufficient to make citizens …just") as a qualification that Aristotle added. But it may have been precisely Lycophron's point that "law is contract" with built-in remedies because men are bound to quarrel even over what they agreed. For the modern theory that Greek contract evolved from surety, see Partsch 1909.

[31] Cf. MacDowell 1971: 267–273 (as late as 401/0). Whitehead (2002) argues for dating Isoc. 18 earlier.

by a rule that was already in force and soon enacted into law:[32] "when private agreements are enforced by public authority," it is all the more outrageous for Callimachus to break the Covenants binding on the city at large to serve his special interest!

The Athenians affirmed those Covenants as part of a settlement contract (*diallagai*), restoring the democrats to their proper estate and guaranteeing in return that the city party would keep what was rightly theirs. All citizens pledged out loud to honor this silent instrument.[33] The written Covenants stipulated all sorts of conditions: returnees may reclaim their real estate and also seize any movables not sold for state revenue; but property sold for the state had to be bought back; one could sue for personal losses but could not prosecute public liabilities prior to 403; and so on.[34] As Isocrates puts it, they agreed to this arrangement as a package when they did not know if it would be to any party's particular advantage, and now they are asked to break the contract when it had proved so vital that all citizens should honor it even if they had not sworn. What is more: when reactionaries called for canceling the *synthêkai*, to have the very text erased like a voided contract, the Athenians angrily rejected the proposal; yet Callimachus dares to violate the Covenants, though they stand fixed in writing.[35] And on that note Isocrates raises a paean in praise of contractual obligation:[36]

> You must realize that you have come to decide on the very greatest of issues: for you will cast a verdict on *synthêkai*, which no one ever profited from breaking, neither you against others nor others against you. So great is their power that most of our way of life, for Greeks and non-

[32] Gernet supposed that the law of agreement was then recently enacted (1951: 579–580 = 1955: 20–21); but cf. n. 42 below.

[33] *Ath. Pol.* 39.4 refers to the oath-taking incidentally but clearly as a universal obligation. Similarly Xen. *HG* 2.4.38–42 and And. 1.90 suggest a mass swearing.

[34] For reconstruction of the Covenants see, Loening 1987: 30–58; cf. Todd 1985: esp. 98–113 on property rights; Carawan 2002: 5–12.

[35] This may refer to recent or current legislation rendering Covenants into Law. The law of Archinus, for *paragraphê* against anyone suing contrary to the Covenants, is one measure giving them legal authority. Soon after Isoc. 18, And. 1.81–85 suggests that measures to reauthorize the laws on public liabilities (under the limitation "from Eucleides") came in consequence of the Covenants; cf. Carawan 2002: 12–21.

[36] Any translation here is bound to seem inadequate. Mirhady translates *synthêkai* as "treaty" throughout this passage (Mirhady and Too 2000: 103–104). That seems apt in §§29–30 where the treaty with Sparta is compared to the "treaty" Athenians made among themselves. But it is doubtful that the reference to commercial dealings simply alludes to treaty arrangements (*ek symbolôn*).

> Greeks alike, comes by *synthêkai.* Trusting in them we visit one another and transport whatever goods we happen to need; by them we conduct transactions among ourselves and settle our differences, both private quarrels and wars that involve the whole community. This one common practice all men steadfastly pursue. So it is fitting for all to defend it, and especially fitting for you. (27–28)

Of course Isocrates' vision of *synthêkai* embraces treaties between states and might suggest that these are the real model of agreement that governs this whole argument. But treaties are, after all, a particular use of contract. The *synthêkai* essential to commerce abroad and private settlements at home reach down to the more basic idea. Among its values we recognize one of the commonplaces that Aristotle would note (two generations later): "most ordinary and voluntary transactions are done in accordance with contracts, so that if they lack authority, commerce [itself] is abolished" (*Rhet.* 1376b 22). And the *a fortiori* argument that led to this paean points to that common thread of obligation: "when (even) private agreements are enforced by public authority," it is outrageous to break the Covenants binding on the city at large (24). Moreover, if we follow the argument back to its grounds we find that Covenant-as-contract is precisely what is at issue. The very nature of the dispute winds the two strands of obligation together.

When Callimachus initially sued to recover his losses, our defendant settled with him: acknowledging a minor role in the confiscation, he paid 200 drachmas. Now, sometime later, Callimachus has multiplied his demands to 100 minas—50 times his original settlement. For he now holds the defendant liable not merely as an accomplice but as the informant and instigator of the crime. But now Archinus has passed the law allowing defendants in civil cases to challenge a lawsuit if it contravenes the Covenants, the *synthêkai* of Reconciliation.[37]

Callimachus violates those Covenants in two ways (§4): (1) he is now charging our client as the *informant* who caused his loss, but the Covenants specifically forbid prosecuting informants (§20); and (2) Callimachus is suing on an issue they have already settled in "arbitration." Isocrates does not specifically say that the second count is a violation of the Covenants, but such it must be as grounds for the *paragraphê.* And we learn from Andocides 1.87–88, a year or so after Isocrates 18, that one of the Covenants recently enacted into law is the rule that *dikai* and

[37] On the *paragraphê* cf. Meyer-Laurin 1965: 23 at n. 78; Wolff 1966b: 20; Carawan 2001: 23–28.

diaitai ("legal decisions and arbitrations") concluded under democracy shall be valid or final (below n. 42). At the time of the case against Callimachus it appears that this legislation had not yet passed; for Isocrates refers only to Covenant, not "law."

The two counts of the plea to bar the lawsuit (*paragraphê*) both involve the same principle of finality. The first count is based on the "closing" that is characteristic of treaties of reconciliation: certain wrongs are open to prosecution or binding settlement; any outstanding issues may be arbitrated; but there is *no going back* on limitations or legal decisions.[38] The second count is a particular application of that principle in private suits, a principle that the Athenians clearly recognized: there must be an "end" to the dispute.[39]

In the settlement with Callimachus the condition that especially conveys this finality was the *diaita epi rhêtois*, an "arbitration on stated terms." This procedure remains somewhat obscure, but we have one detailed comparandum in the same period, in Isocrates' *Trapezitikos*, "the Banker's Case."[40] The disputing parties reach a settlement and put in writing the clauses that specify how that settlement is to be carried out; that instrument they entrust to a nominal "arbiter," whose role is simply to judge whether the parties comply with the text. If one of the parties fails to comply, then the arbiter should pronounce whatever penalties they stipulated. So in the Banker's Case there was (allegedly) a penalty if Pasion did not pay as agreed. In this special case of international banking, the role of arbiter was assigned to an authority abroad, the Bosporan king Satyrus. But ordinarily the arbiter seems to have played a role much like that keeper of the text we meet in the later contracts.

The disputed deal in the Banker's Case was a settlement contract (19–20). Before drafting their agreement, the two men "gave pledge of faith (*pistis*) verily to keep silent what was done." The plaintiff insists

[38] See, for example, *IG* i[3] 75, treaty with Halieis (424/3) with provision for settling outstanding claims (19–20); *IG* i[3] 76, Bottiaean decree = Tod 68 (422) beginning with clause to litigate disputes and with closing oath; *IG* i[3] 118. Treaty with Selymbria = Tod 88 (408) with provisions for settling (*dialyein*) property and contractual disputes (14–21); *IG* ii[2] 111, Settlement at Iulis = Tod 142 (363/2) with provisions for repayment of what is owed to Athens, confiscation against the rebels, guarantee of appeal if anyone disputes, and closing oath. In the *Diallagai* at Athens that principle inspired the rule against prosecuting public liabilities incurred before 403.

[39] [Dem.] 37.58–60 ~ 38.21–22, settlement is a binding *horos* ("boundary marker") and *lysis* ("release"); 40.39, legal decisions reach *telos* or *peras* ("end" or "limit").

[40] Cf. Thür 1975: 157–188.

that this was Pasion's scheme to conceal his dubious practices; but it is, in any case, a variation on the usual pledge "not to recall-wrong" or "to make no further mention" of the claims hereby resolved. Pasion "agreed" to the settlement (*hômologêsen*) on condition that he would pay off the debt in Bosporus (*apodôsein*); and so they named Satyrus as arbiter, to dispose of their claims on fixed conditions. If Pasion did not pay as promised, Satyrus would declare a penalty of half the principal. Such arrangements on how to pay and what penalty would follow any failing were, as we saw, a standard feature of *synthêkai* in ordinary business.

The case against Callimachus involves a written agreement of the same type, as our defendant reveals in anticipating (or pretending) that Callimachus will claim there was no *diaita*. Callimachus might say he would never have agreed to Nichomachus as arbiter, since Nichomachus was a friend of the defendant. But, our defendant contends, it was not an arbitration they entered in dispute (*amphisbêtountes*), but a disposition on fixed terms (*diaita epi rhêtois*) to which Callimachus had agreed (*hômologêkôs*, 14). As the arbiter was not to decide issues in dispute, there was no reason for Callimachus to argue over who it should be. Disingenuous as that argument is, the premises are true enough. As in the Banker's Case, the arbiter should simply declare whether the obligated party was quit of his obligation or owed the stipulated penalty. So under this rule, if Callimachus claimed that our client had not paid, he should go to Nichomachus and have him declare our client in default. Instead of abiding by that end, he brought another lawsuit.[41]

The provision for "arbitration on stated terms" was thus a covenant of the settlement, much like the clauses of inter-state treaties requiring arbitration of any dispute. This obligation evidently came under a key provision of the Reconciliation Agreement of 403/2, that "legal decisions and arbitrations under democracy shall be valid": official decisions under the Thirty, invalid.[42] And that clause was probably paired

[41] There is a parallel in [Dem.] 48 (not called *diaita epi rhêtois*): the two in-laws draft a written agreement which they then depose with a custodian, who should then be called upon to decide any further dispute; the plaintiff then argues at trial that defendant should have called upon the "arbiter" to cancel the contract if it was no longer valid.

[42] Andocides 1.87–88 seems to refer to the same rule that Isocrates attests making *homologiai kyriai*, as part of the legislation that also made *dikai* and *diaitai* under democracy *kyriai*; for he says the aim of the legislation was to assure that transactions be completed and there be no default on contractual obligations. Isocrates (a year or so

with the general rule on making private agreements enforceable, such as Isocrates attests (24). At the time of the speech against Callimachus these were still regarded as rules enshrined in the Covenants that ended civil conflict. These Covenants were already reinforced by the law for *paragraphê* and would soon be recognized in specific statutes. But the rationale that contract is law—and law is contract—was only beginning to inspire the speechwriters.

In the case against Callimachus, then, Isocrates seems to plead for an emerging principle, that legal obligations are based upon a certain kind of contract. Here the defining source of authority is not yet the Law but the Reconciliation. Evidently those very Covenants included the rule that private agreements remain binding. What gave contracts their finality—on both levels—was the pairing of oral agreement with covenants sealed in text. It is this parallel that inspired Isocrates—and soon inspired others—with the notion that the sort of obligation at work in private contractual agreements also forms the very bond of law. Transactions and treaties alike had this authority not because the Athenians recognized the binding power of promises or avowed purposes—these were not contracts based on *consensus in idem*. The *synthêkai* are an instrument of finality, a way of fixing an end to the otherwise limitless recourse of claims and counter-claims; the important thing is precisely that the written terms must overrule any deeper understanding. That principle took on a particular urgency with the crisis of 403–399, when men must learn to live and let live, even alongside those they suspected of some role in the slaying of their kinsmen.[43]

In this respect the developing ideas foreshadowed an important article of liberal theory. For the Reconciliation Agreement created a situation in some ways analogous to what Rawls, in *A Theory of Justice*, posed as the "original position."[44] Just as parties at the "original position" must choose under a "veil of ignorance," the Athenians insist that they made a blind choice, without regard for how the arrangement would benefit or disadvantage them personally (Isoc. 18.25). What is

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earlier) did not treat *homologia kyria* specifically as a law; surely if the rule had been recently translated into statute, he would have alluded to this further authority.

[43] Dem. 40.46 connects private settlement and the Reconciliation in precisely these terms.

[44] As Ober noticed, 1996: 161–187 (esp. 185). On the "veil of ignorance," see now Rawls' restatement, *Justice as Fairness* (2001:14–18).

crucial is that it be final and without any further dispute. This principle of finality—or as Lycophron put it, "law is covenant *and surety*"—recognizes the defect in social contracts framed by simple consensus: most men judge badly when they are judges in their own case (Arist. *Politics* 1280a–b). Without some check upon the meeting of minds, there would be no end to their disputes about the very obligations that consensus created.

That principle of finality prevailed, long before literacy took hold among the Greeks, in the treaty ceremonies of oath-taking and libation.[45] In the archaic period the inscribed text seems to have taken on much of that symbolism: the monument, as though it has a will of its own, prompts the reader to pronounce aloud words that are fixed and unalterable.[46] At the turn of the fourth century, the rule for binding oral agreement, *homologia*, relies upon a further adaptation: the parties to a contract acknowledge out loud a transaction at hand "upon these *synthêkai*," invoking the silent covenants that are held in trust against any further dispute. This way of binding the agreement met a compelling need of the restored democracy: to settle a host of claims once and for all. Just as they would finalize their private settlements, the Athenians acknowledged their Reconciliation out loud upon the *synthêkai* that defined their rights and limitations under the new regime. And that historic contract became a new model for what is binding about the Law.

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[45] With *Iliad* 3.245–301, cf. Hillers 1969: 25–45, on Near Eastern treaty covenant. For the symbolism of binding and boundary, cf. Faraone 1993: 65–76; Burkert 1996: 169–174.

[46] Thus at Teos *c.* 470 (*ML* 30), officials annually recite the text of curses that bind the regime within view of the inscribed text. For texts that prompt the reader, cf. Svenbro 1993: 109–144.

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DID THE ATHENIAN COURTS ATTEMPT TO ACHIEVE CONSISTENCY? ORAL TRADITION AND WRITTEN RECORDS IN THE ATHENIAN ADMINISTRATION OF JUSTICE

Edward M. Harris

One of the most important cultural values in ancient Greece was the rule of law. In a famous passage in Herodotus (7.104) Demaratus, the exiled Spartan king tells the Persian king Xerxes that what distinguishes the Spartans and other Greeks from his subjects is that the former fear the law alone and regard it as their master, while the latter fear only their king. The Athenians claimed that their democracy was the form of government that best promoted the rule of law. In his speech *Against Timarchus* (1.4–6) Aeschines tells the court that democracy is ruled by the established laws, while tyranny and oligarchy are subject to the whim of those in power. In a democracy the bodies of all citizens are protected by the laws, while the tyrant and oligarch rely on suspicions and armed guards to protect only themselves.

The "rule of law" is a fine slogan, but what did it mean in practice? First of all, most would agree that the rule of law implies the orderly and peaceful regulation of society according to a set of authoritative rules as opposed to disorder and violence.[1] In this sense the rule of law is often contrasted with anarchy, where no rules are enforced and chaos reigns. A second aspect of the rule of law is the principle that no person is above the law and that all officials no matter how powerful can be held accountable for breaking the law. In this sense the rule of law is opposed to tyranny, the rule of one person who places himself above the law. A third aspect of the rule of law is the principle that the courts should maintain consistency and predictability by judging like cases alike.[2] This means that they should interpret the law in a consistent fashion and not apply the law in one way in one case, then in another way in another case. Now there can be little question that

[1] See, for instance, Gagarin 2004: 173.
[2] See, for instance, Rawls 1971: 235–241.

the Athenians attempted to implement the second of these two aspects of the rule of law: the Athenians passed dozens of laws and made their officials and judges swear to abide by these laws,[3] and they established many procedures to hold magistrates accountable for their conduct in office.[4] Yet to what extent did they attempt to achieve consistency in the decisions rendered by their courts? If there was a dispute about the interpretation of a law, did one court follow one interpretation, but another court a different one?

In Common Law jurisdictions the main way of maintaining consistency in the application of the law is through the doctrine that precedents are binding. If there is a controversy about the meaning of a statute, each party will attempt to find previous decisions where the courts chose to follow a certain interpretation of law, one that hopefully favors his or her client. Judges and courts are obliged to follow these precedents, and any judgment that does not follow them is subject to appeal to a higher court. To enforce these precedents, courts in the United States, Canada, and the United Kingdom keep extensive written records of previous decisions, which normally contain the reasons for a decision.

In Classical Athens, litigants could consult written copies of the laws kept in the Metroon and in the offices of various magistrates, but the records of court decisions were rather laconic by modern standards, containing only the names of the plaintiff or accuser and defendant, the nature of the charge, the verdict, and if a public charge, the penalty.[5] If the case dealt with a controversial legal issue, the record did not state the reasons why the court decided in the way it did. And certainly in a system where the trials were heard by hundred of judges, it would have been difficult if not impossible to write down the collective opinion of the court in any given case.[6]

In a recent essay A. Lanni has argued that the Athenians did not have the written documents needed to achieve consistency in the application of the law.[7] She has rightly drawn attention to the sparse documentation for cases kept in the Metroon and contrasted it unfavorably with the extensive records kept in modern legal systems. She also

[3] For officials swearing to rule according to the laws see e.g. *Ath. Pol.* 55.5.
[4] For a survey of Athenian procedures for keeping officials accountable see Hansen 1991: 218–225.
[5] For consultation of the law at Athens see Sickinger 2004.
[6] For the nature of records kept about previous decisions see Lanni 2004: 164–166.
[7] Lanni 2004.

asserts that the orators rarely discuss previous cases in the way modern lawyers analyze precedents. For instance, she claims that the orators do not generally search for the *ratio dicendi* of the verdict they cite and do not discuss adverse precedents to show that they do not apply to the case before the court. From this she concludes that the Athenian courts did not pursue legal consistency as a goal since they lacked the written records that would have enabled them to do so. In this respect the Athenian courts did not attempt to achieve the rule of law but rendered justice on an *ad hoc* basis.

Lanni's essay raises important issues and contains interesting observations, but is vulnerable to several objections. First, her use of the statistical method is misleading; the alleged rarity of precedents in the modern sense is an illusion. Second, her list of passages where orators appeal to precedents is incomplete. Third, she underestimates the oral and written resources available to help the courts achieve consistency in their decisions. These objections rather undermine her general conclusion that the Athenian courts judged cases on an *ad hoc* basis.

In this essay I will show that the Athenian courts were far more concerned with consistency than Lanni assumes. Although we find relatively few cases where previous cases are cited as precedents in the modern sense of the term, this is because relatively few of the cases for which the preserved speeches were written involve disputes about the meaning of the law.[8] In cases where a legal issue does arise, however, the orators often do appeal to precedents. Although the orators often rely on the public memory rather than documents, they are careful to refer to cases that the judges would know either because they were recent *causes célèbres* or cases that had previously come before them. When a case was not recent, an orator would try to produce a written document to support his argument. Furthermore, when a litigant knows that his opponent will appeal to precedents in support of his case, he does not ignore them but argues that they are not relevant to the case

[8] Dorjahn (1928: 377–378) claims that the cases cited by Athenian litigants "are scarcely comparable to the modern practice of defining and establishing a law by court decision." But his reason for this view is that in modern American courts "only the decisions of a judge establish a legal precedent" whereas "there were no judges in ancient Athens and all trials were by jury." This argument rests on a mistranslation of the Greek word *dikastes* as "juror." The noun *dikastes* is formed from the verb *dikazein* (to judge) and therefore means one who judges, i.e. decides both the legal and the factual issues in a case. See Harris 1994: 136–137. In Athenian law there was no division of functions between a judge, who decided questions of law, and a jury, which decided

under consideration by the court. He would not have done so unless he were worried that the court would be influenced by arguments based on precedent. Furthermore, in actions against illegal decrees (*graphê paranomôn*) there were written copies of previous decrees whose legality had been questioned but then upheld or had been passed without challenge. These could serve as precedents when a decree was challenged and were cited in *graphê paranomôn* cases. One must also bear in mind that the use of precedent is not the only way to achieve consistency: a litigant can also appeal to the intent of the lawgiver and argue that his own interpretation of the law is consistent with the principles found in other statutes. In several cases orators draw on the written copies of the laws to show that their reading of the law is correct. Finally, the evidence that we do have for verdicts in cases where the courts had to make a decision on a legal issue suggests that the Athenian legal system was more concerned about achieving consistency than Lanni and other modern scholars have assumed.

I

The Attic orators often mention previous cases, but only some of these are cited as precedents to decide a legal question. Several earlier cases are presented as evidence to support statements of fact. For instance, one speaker calls as witnesses some men from Decelea who brought cases against Pancleon before the Polemarch and won convictions (Lys. 23.4). The speaker mentions these cases to prove that Pancleon is not a Plataean and a citizen, as he claims, but a freedman. Another speaker has witnesses testify that his father brought a suit against Erasistratus for a debt owed to his father (the speaker's grandfather) and obtained a judgment against him (Lys. 17.3). Here the litigant's object is to show that Eraton, who inherited Erasistratus' estate and assumed his debts, now owes him money. Demosthenes describes in some detail a public arbitration for a case he brought against Meidias not to make a legal point but to denounce his opponent's cruelty and dishonesty (Dem. 21.83–101). Finally, Apollodorus describes a decision made by

only questions of fact. The Athenian *dikastês* combined both roles and was therefore like a modern judge at a bench trial, where the defendant gives up the right to a trial by jury.

the Areopagus to prove that Neaera's daughter was not an Athenian ([Dem.] 59.79–84).[9]

Orators might also refer to previous cases where the court had imposed a harsh punishment (usually death). The speaker's aim in these passages has nothing to do with the legal issue but is rather to overcome the court's natural reluctance to put someone to death (e.g. Dem. 21.182; 24.138; Lys. 12.36; 22.16). The reasoning is usually "others have put dangerous criminals to death so therefore you should too since the defendant is clearly guilty." Demosthenes (22.51, 57) tells us that the Athenians prided themselves on their reputation for mildness; if they were going to punish someone with great severity, they therefore needed to be reassured that they were doing nothing unusual or extreme. Accusers will also describe cases where the court voted to impose a severe penalty on men who had performed many public services or enjoyed high status as a way of arguing that liturgies and social prestige should not stand in the way of conviction and punishment (Dem. 21.178, 182; Din. 1.14; Aes. 3.195). Here the speaker is urging the court to pay more attention to their oath to uphold the laws of Athens than to the prior achievements of the defendant.[10]

Lanni does however admit that in eight passages orators cite previous cases as true precedents and these passages show "an attempt at the application of the *ratio dicendi* derived from an earlier case. This demonstrates that Athenian litigants could construct an argument by analogy."[11] But she claims that such arguments are uncommon and attributes their "relative rarity" to the "general Athenian reservations about overly legalistic arguments." She finds the "sophisticated use of

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[9] Cf. Lys. 13.65–66 where the speaker mentions that Agoratus' three brothers were executed to show that he comes from a bad family.

[10] Lanni (2004: 161–163) recognizes that these are not true precedents but claims that "these passages seem to reflect rather than rectify the general tendency of Athenian litigants to mix the social context of a particular case with legal arguments." *Pace* Lanni the speakers in these passages tell the judges that their oath compels them to pay no attention to the social position of the defendant.

[11] Her eight passages (actually nine) are Dem. 21.72–76; 175–184; 19.273ff.; Lys. 6.17; 13.56; Din. 2.25; Aes. 1.86–88; Isoc. 18.22; Lyc. 1.52. Dem. 21.72–76 is not relevant since Demosthenes is contrasting his own conduct, not that of the defendant Meidias, with the way Euaion reacted when he was punched by Boeotus. Aes. 1.86–88 has more to do with a question of evidence than a legal issue (can one convict in the absence of the testimony of witnesses?). The banishment of Arthmius mentioned at Din. 2.24–25 is not used as a precedent to resolve a legal point nor are the two cases alluded to at Aes. 3.252. The latter two trials serve to show that Demosthenes is asking to be praised for actions that one man was executed for and another almost put to death (cf. Aes. 3.258).

previous decisions" in just two speeches, Demosthenes' *Against Meidias* (21.72–76, 175–178) and Lycurgus' *Against Leocrates* (52), but she calls these examples "exceptional."

But how often would an orator normally find it necessary to cite precedents to persuade the court to follow one interpretation of the law as opposed to another? One should bear in mind that a speaker only needed to adduce precedents when there was a crucial legal issue to be decided. On the other hand, if both litigants implicitly agreed on the meaning of the law and disagreed only about the facts, there would be no reason to present legal arguments that relied on precedents. So the relative absence of precedents need not mean that the Athenians found them "legalistic"; it may only indicate that they rarely found that kind of argument relevant to the case. Even in modern legal systems, lawyers do not cite precedents in most routine cases, which tend to be dominated by questions of fact, not legal issues.

Let us take the thirty-three speeches in the Lysianic corpus. Two of these orations were not delivered in court (2 and 8), one is a summary of the preceding speech (11), and two speeches concern a single case (14 and 15). That leaves us with thirty speeches about twenty-nine cases. Yet out of these twenty-nine cases, twenty-six primarily involve questions of fact (see Appendix). In three of these cases legal issues surface briefly: there is a brief discussion of the meaning of the law on deliberate wounding at Lysias 3.40–43, an answer to a legal point made by the defendant at Lysias 13.55–57, and an argument about the legal implications of remaining neutral at Lysias 31.27. The legal issue predominates in only three cases (Lys. 9, 10, 14/15). Therefore in the vast majority of cases in the Lysianic corpus an argument based on precedent would have been out of place.

What is striking is that in four of the six cases where legal issues arise, the speaker refers to precedents to support his interpretation of the law. At Lysias 3.40–43 the defendant discusses the nature of the intent required to prove a charge of deliberate homicide and claims that the accuser must show that there was intent to kill, not just to wound.[12] He backs up his interpretation by claiming "you have decided

[12] The speaker appears to equate the charge of deliberate wounding with that of attempted homicide, but this is unlikely since we know there was a separate action for "planning a homicide" (*bouleusis phonou*) that did not succeed. See Harris 2001: 82–86. It is more likely that the speaker is inventing a persuasive (and unusual) definition of the term in order to increase the burden of proof on the accuser.

this way many times in the past on the matter of intention" (43). In other words he appeals to the precedents created by the Areopagus itself. He does not have to call witnesses or present documents to prove that the Areopagus ruled this way before because he is addressing the members of that Council, who of course were fully aware of their own previous decisions.

The legal issue in Lysias' *Against Agoratus* is somewhat more complex. Agoratus is charged with having denounced the speaker's father Dionysodorus for treason (Lys. 13.23–35). As a result of his statement, Dionysodorus and several others were tried and put to death (Lys. 13.36–42). The speaker has accused Agoratus of murder since he was responsible in his opinion for the death of these men and has used the procedure of *apagôgê* to the Eleven to bring him to court. The case turns partly on questions of fact: the speaker claims that Agoratus could have left Athens without denouncing anyone, but Agoratus was evidently prepared to argue that his denunciation was obtained under duress (Lys. 13.23–30). But according to the speaker, Agoratus also intended to argue that he was not "clearly" responsible for killing Dionysodorus since he did not directly cause his death. The speaker counters this defense by arguing that all those who cause the death of another person are guilty of killing (Lys. 13.85–87). This might appear to be an unusual interpretation of the word "to kill" but it is not unparalleled in Athenian law.[13] The significant point for this essay is that the speaker presents a case that supports his interpretation of the law. He recalls how Menestratus, who had been denounced by Agoratus, denounced others in return for his freedom. After the overthrow of the Thirty, Menestratus was charged with murder, convicted, and executed (Lys. 13.55–57). The precedent here is directly relevant to the legal issue in the case.[14]

Lysias 31, *Against Philon*, is another speech where a legal issue is briefly discussed. This speech was delivered in a *dokimasia* before the Council of 500. Before someone who had been selected by lot to serve as an archon could assume office, he had to have his qualifications checked. The Council asked a series of questions to determine whether

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[13] See Harris 2001: 77–80.

[14] Lanni (2004: 168, n. 5) includes this in her list of precedents but does not analyze its direct relevance to the legal issue in the case. There is also a brief discussion of a legal point at 88–90, but the speaker does not use any evidence to support his view of the reconciliation agreement of 403.

he was an Athenian citizen, observed certain religious rites, treated his parents well, belonged to the right property class, and had served on military campaigns (*Ath. Pol.* 55.3). If anyone had an objection to him serving in office, he could then bring an accusation (*Ath. Pol.* 55.4). An accuser at Philon's *dokimasia* charged that the candidate went to Oropus after the overthrow of the democracy in 404 and failed to support the democrats in their efforts to oust the Thirty Tyrants in 404/3 and thus should be disqualified (Lys. 31.8–16). The speaker anticipates that Philon will reply that he broke no law by remaining in Oropus during the Civil War and should therefore not be barred (Lys. 31.27).[15] The accuser attempts to refute this argument by arguing that his actions were equivalent to desertion and treason (Lys. 31.28–29, 31). At the end of the speech, the accuser then appeals to precedent by asking the members of the Council to apply to Philon the same standard that was used in each of their own cases (Lys. 31.34). The *dokimasia* was not strictly speaking a trial that determined guilt and imposed a penalty, but an administrative procedure.[16] Yet even here the speaker finds it appropriate to refer to previous decisions and to ask the members of the Council to follow the standard set in those cases.

In one of the cases where legal issues are more prominent, the speaker appeals to the decision of a board of officials as a precedent. In Lysias 9 the defendant has been accused of breaking the law by slandering officials.[17] In his reply he relies on the letter of the law, which he says applies only to slander uttered in the official's office, not to criticisms made outside their office (6); the generals who claim he slandered them apparently interpreted the law more broadly. To support his view of the law, the defendant appeals to the decision of clerks in the Treasury, who ruled that the fine imposed by the generals was null and void (7).[18] This is a ruling made by an official, not the verdict of a court, but the defendant still uses the decision as a kind of precedent in support of his argument that the fine was illegal.

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[15] There was an old law requiring everyone to take a side during a period of civil war (*Ath. Pol.* 8.5), but Carey (1989: 198–200) is probably right to conclude that it had fallen out of use by 400 BCE.

[16] On the *dokimasia* in general see Rhodes 1981: 614–618.

[17] On the case in general see MacDowell 1994 and Dreher 1994. On the legal issue involved see Harris 2000: 55–56.

[18] It is not clear what evidence the speaker provides at this point since there appears to be a lacuna in the text, but most editors assume that witnesses were called in the missing passage.

In the other two cases where legal issues predominate, the litigants appear to have had no precedents to support their arguments about the meaning of the law. In one case, the litigant virtually admits so much by asking the court to act as legislators by applying the law to a new category of offenders (Lys. 14.4). In the other, the speaker appeals to the intent of the lawgiver, a type of argument that we will examine later (Lys. 10). But it is perhaps no coincidence that the courts found both cases weak; in the first case the defendant was acquitted (see below); in the second, we know that the accuser lost when the case came before the public arbitrator.[19]

A survey of the cases in the *corpus Lysiacum* therefore shows that when legal issues did arise, litigants regularly employed arguments from precedent. And when litigants faced legal issues and did not have precedents, the courts found their cases weak. We should now turn to examine two other cases, one from the Demosthenic corpus and another by Lycurgus, where accusers use precedents to show that the evidence from the *corpus Lysiacum* is not uncharacteristic.

In his speech *Against Meidias* Demosthenes brings a public charge of aggravated assault (*graphê hybreôs*) against his opponent for interfering with his preparations for his chorus and mainly for punching him in the head during the competition at the Dionysia (Dem 21.13–18). The charge of *hybris* was a serious one, and Demosthenes contends that Meidias' offense was so heinous that he deserved the death penalty (Dem. 21.12, 70, 118) or at least a heavy fine (Dem. 21.152, 211–212). The burden of Demosthenes' case is to prove that a mere punch on the head is actually a serious crime, and his accusation might appear at first glance to rely on an unusually broad interpretation of the term *hybris*. To support his argument that Meidias' punch did fall into the category of actions covered by the law, Demosthenes (21.175–182) adduces several precedents and analyzes them to bring out their similarities to his own case. He recalls three cases where the accuser initiated proceedings by bringing a *probolê* in the Assembly, and after the Assembly voted against the defendant, then brought a case in court. Demosthenes is careful to select cases that have followed the same procedure that he did; he too had begun by making his charge with a *probolê*, and after receiving a favorable vote in the Assembly, brought a

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[19] See Harris 2000: 57.

case in court (in his case a *graphê hybreôs*).[20] In other words, Demosthenes chooses three cases that were broadly similar to his own in procedural terms.

Demosthenes does not start with a case from the distant past, which the judges might not know or only vaguely recollect. He begins with the most recent case, which would have been familiar to the court. He also deliberately selects a case that involves physical force so that it resembles his own case against Meidias. The first case involves two foreigners, Evander of Thespiai and Menippus from Caria (Dem. 21.175–177). Evander had won a judgment in a maritime suit against Menippus, but had not been able to collect the money awarded to him. He finally caught up with Menippus during the Eleusinian Mysteries and seized him. Grabbing hold of defaulting debtors was perfectly legal at other times, but there was a law that banned the practice during the Dionysia and the Mysteries.[21] Menippus therefore brought a *probolê* against Evander in the Assembly, which passed a vote of censure against Evander. Menippus could have left it at that, but decided to press his advantage by bringing an action in court against his opponent. Demosthenes does not specify what kind of case Menippus brought, but it must have been a private action (possibly a *dikê blabês*, an action for damages) since the court cancelled the award made to Evander and granted him a payment of damages (βλαβάς) for the expenses he incurred by remaining in Athens for the trial. Demosthenes' description of the verdict indicates that Menippus did not bring a public action after initiating proceedings in the Assembly; in that case the penalty would not have been paid to Menippus but to the public. In fact, Demosthenes (21.177) says that it was a private case (ἐξ ἰδίου πράγματος).[22] This creates problems for Demosthenes since he himself brought a public suit against Meidias after the vote in the Assembly. But Demosthenes still tries to make Menippus' case similar to his own by claiming that the court wanted to put Evander to death and relented only at the request of the accuser. Demosthenes' interpretation of the court's attitude must be speculative and is unlikely to be correct: Athenian courts never had a choice between imposing the death penalty (possible only in public suits) and

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[20] For the charge see Harris 1989: 130–131.

[21] For the law see Dem. 21.10.

[22] MacDowell (1990: 395) claims that this is not true since Demosthenes brought a *probolê*, which was a public action. But the *probolê* was only the way of initiating the action (see Pollux 8.46) and was finished by the time the trial began (Dem. 21.193, 214).

awarding a payment of damages to the accuser (applicable only in private suits). What is important for our purposes, however, is that Demosthenes knows that for a precedent to be convincing it must resemble the present case as closely as possible. Since the case is not as similar to his own as he would like it to be, Demosthenes adds a detail to make it look more similar than it actually was.

Demosthenes then compares the two cases. Menippus' case involved a private matter and did not contain any aggravating factors such a *hybris*. In both cases the defendant used physical force against the accuser. In his own case, however, Meidias had no justification for attacking him (i.e. he did not owe Meidias money), but did it solely to insult him. Despite the absence of aggravating factors, the court still voted to grant a large settlement to Menippus. Demosthenes does not give the exact amount but gives the impression that it was large. One suspects that he avoids giving a precise figure because the amount was not all that great. Since Meidias' crime was much worse (181), *a fortiori* he deserves a more serious punishment. Demosthenes' presentation and analysis of the precedent may shade the truth to some extent, but he clearly realizes that for his precedent to be persuasive its basic features must correspond as closely as possible to the present cased in both procedural and substantive terms.

Demosthenes' next case is closer in similarity to his own in one regard but not as close in another. The second case concerns a man who was serving as assessor to his son Charicleides, who held the position of Archon and was highly regarded (Dem. 21.178–179). The assessor found someone who had taken the wrong seat in the theater and laid a hand on him as he escorted him out. The man who was struck brought a *probolê* against the assessor, and the Assembly voted to censure him. During his speech in the Assembly, the accuser argued that the assessor should have punished him with a fine if he took the wrong seat and ignored his orders to leave. He should have had his assistants remove him, not have touched him with his own hand. Demosthenes naturally stresses the fact that the assessor used physical force in the same way Meidias did. He then argues that this use of force constituted *hybris*, the same charge that Demosthenes brought against Meidias. Demosthenes takes the Assembly's vote as an endorsement of the speaker's broad interpretation of the term *hybris*, which is here applied to a case where an official merely laid hands on a spectator. The similarity ends at this point since the victim did not live long enough to take his case to court.

Demosthenes' strongest precedent is his third case, and one suspects that he keeps his best case for last (Dem. 21.180). The defendant in this case was a man named Ctesicles. During a procession at a religious festival (probably the Dionysia) Ctesicles became drunk and hit one of his enemies with a whip that he was carrying. Either his victim or someone else brought a *probolê* against him in the Assembly for committing an offense against the festival. A separate charge was then brought against Ctesicles in court, and he was condemned to death. The charge must have been the *graphê hybreôs* since Demosthenes says that the court decided that he had committed *hybris* despite his attempt to present an excuse. This precedent is much closer to his own case than the other two. First, Ctesicles hit his victim during a religious festival; Meidias punched Demosthenes during the Dionysia. Second, Ctesicles struck a personal enemy; Demosthenes was also a personal enemy of Meidias. Third, Ctesicles was judged to have struck with intent to humiliate; Meidias allegedly hit Demosthenes as a way of insulting him. The only difference is minor: Ctesicles used a whip while Meidias used his fist. Striking someone with a whip was the way one treated slaves, which is why Ctesicles was accused of treating free men like slaves. Yet one could also beat slaves so the type of violence employed in each case was similar (e.g. X. *Mem.* 2.1.16). Ctesicles however tried to use the excuse that he was drunk and that the event took place during a procession. The procession was probably part of the Dionysia, and one should bear in mind that Dionysus was the god of wine. Since one of the best ways to worship him was to drink, his festivals could be raucous affairs. Ctesicles may have argued that he had only entered into the spirit of the Dionysia and that he meant no harm. Evidently the court did not accept his excuse and sentenced him to death. Thus Demosthenes has chosen a precedent that is quite close to his own case. The one difference tends to work in his favor: while Ctesicles was drunk, Meidias had no such excuse and therefore is all the more guilty.

Demosthenes has artfully arranged these three precedents in ascending order of relevance to his own case. In each case he examines the differences between the precedents and his own suit against Meidias and their implications. At the conclusion of this tricolon crescendo, Demosthenes draws out the meaning of the three cases and their bearing on his charges against Meidias. The reasoning may not be sophisticated by modern standards, but the Athenian legal system was much simpler than ours and the issues in most cases not as complex. What is striking is that Demosthenes has taken some effort to show that his case against

Meidias is similar to previous cases. He would not have taken this effort unless he thought that the court had some concern about consistency in the application of the law.

Another case where the legal issue is paramount is Lycurgus' prosecution of Leocrates.[23] Lycurgus brought his charge by the process of *eisangelia*, which could be used against those who had committed acts of treason (*prodosia*). Like many Athenian statutes, the law about *eisangelia* did not define the term "treason" but listed various offenses under three main rubrics: subversion of the democracy, betraying the city, and making speeches against the public interest. For instance, according to Hyperides (*Eux.* 8), one could employ this procedure "if anyone overthrows the democracy of the Athenians, or conspires for the overthrow of the democracy or forms a group of conspirators (*hetairikon*), or if someone betrays some city or ship or infantry or naval force, or when a public speaker does not give the best advice while accepting money."[24]

The facts of Leocrates' case were simple and not in dispute. During the crisis after the Athenian defeat at Chaeronea in 338, Leocrates left Athens and sailed to Rhodes (Lyc. *Leocr.* 17). There he told people about the situation in Athens (18).[25] After leaving Rhodes, Leocrates went to Megara, where he lived as a metic (resident alien) (21). From there he asked his brother-in-law to buy his house and slaves, settle his debts, and send him the remaining money so he could buy grain in Epirus and ship it to Leucas and thence to Corinth (22–24). After living in Megara for six years he moved back to Athens, where he was greeted upon his return by Lycurgus' indictment for treason. While Leocrates' supporters claimed that he left Athens to go abroad as a merchant, Lycurgus alleges that his true motive was desertion and that his dereliction of duty is equivalent to treason (55–58).

Lycurgus bases his case on the law, but admits that he is asking the court to innovate by applying the procedure to an action not listed as one of the offenses in the law (*Leocr.* 9). The novelty of his approach is evident in his request that the judges act as lawgivers (*nomothetas*). The author of the law devised the procedure of *eisangelia* for a general category designated by a single word, treason (9), then listed several offenses in the law under the general category. Lycurgus argues that

[23] For an analysis of the legal issues in the case see E.M. Harris 2000: 67–75.

[24] Information from Theophrastus' *Laws* found in Pollux (8.52) and the *Lexicon Cantabrigiense* list a similar set of offenses. For discussion see Hansen 1975:12–14.

[25] His voyage to Rhodes is confirmed by the testimony of witnesses at 19.

Leocrates' offense falls under the general category, though it does not fit one of the specific examples listed in the law. Yet despite his admission that he is asking the court to extend the law to cover a new class of offender, Lycurgus still attempts to find precedents for his bold new interpretation of the law.

In one passage Lycurgus refers to three different precedents (Lyc. *Leocr.* 52–54). First, he recalls how during the crisis after Chaeronea, the Areopagus arrested and put to death men who were deserting Attica. Second, he alludes to his own conviction of Autolycus for sending his wife and children abroad at the time.[26] Third, he reminds the court that the Assembly also voted then to make those who fled the country guilty of treason. From a legal point of view, each of these precedents is slightly different. In the first Lycurgus refers not to a trial but to arrests and executions carried out by the Areopagus under a grant of special powers after Chaeronea. In the third he cites a decree of the Assembly. Only the second concerns the verdict at a trial. But the three precedents mentioned do show that the Athenians considered leaving Attica in an emergency equivalent to treason and that several people had been punished for it. Later on in the speech Lycurgus reaches back into Athenian history to find precedents. Most of them are far-fetched: Lycurgus mentions men who defended Phrynichus after his death (112–115), the member of the Council who proposed that the Athenians on Salamis accept the Persian offer of an alliance (122), and the condemnation of Hipparchus (117). But one is much closer to Leocrates' case. This is the decree that the Athenians passed after the Spartans occupied Decelea in 413 making it a crime to move to that town. Those who were caught returning from Decelea were subject to arrest and immediate execution (120–121). Lycurgus then uses an *a fortiori* argument to make his point: "Well, then, this was the way they punished men who moved from one part of Attica to another; will you not put to death the man who left the city and country, fled to Rhodes in time of war, and betrayed the people?" Of course, the parallel is not all that strong: this decree was aimed at men who went to a town held by the enemy while Leocrates left not to join the Macedonians, but to go to Rhodes. Significant, however, is the fact that he does not rely on the judges' memory but produces the text of the decree to corroborate his account of a decision made in the distant past.

[26] For the sources for this trial see Harris in Worthington, Cooper, and Harris 2001: 207.

If an orator knew that his opponent was going to cite precedents in support of his case, he might try to anticipate his argument by showing that these precedents were not strictly relevant. We find a good example of such an attempt to dismiss an opponent's precedents in the speech Dinarchus wrote for one of the accusers at Demosthenes' trial in 323.[27] When Demosthenes was suspected of taking money from Harpalus during his visit to Athens in 324, the politician tried to clear his name by proposing that the Areopagus investigate the charge (Hyp. *Dem.* col. 2; Din. 1.61). Six months later the Areopagus presented its report, which stated that Demosthenes and several others had received various amounts of money from Harpalus (Din. 1.45; Hyp. *Dem.* cols. 5–6). Ten accusers were then elected to prosecute the men listed in the report of the Areopagus (Din. 2.6).

In a speech written by Dinarchus, one of the accusers predicts that Demosthenes will mention four cases where the Areopagus reported that men had broken the law, but none of the men reported had been convicted in court (Din. 1.54). The accuser could simply have argued that the precedents made no difference because Demosthenes was guilty and that was that. But that is not the approach that he takes. Instead he examines each case to demonstrate that it is not similar to Demosthenes' case.[28] The first three cases he alludes to briefly (Din. 1.56). In the first a member of the Areopagus did not pay a ferryman his fare and was fined by the Areopagus and reported to the Assembly. In the second the Areopagus reported someone who claimed a payment of five drachmas under the name of someone who did not show up. In the third case another member of this council tried to sell the "Areopagite share." The Areopagus expelled the offender from its ranks and reported him to the Assembly. All three men were tried and acquitted. The accuser argues that the reason why they were acquitted is not because they were innocent, but because the penalty proposed in each case was considered too harsh for the nature of the offence (Din. 1.57). The accuser does not simply present the cases, but also searches for the rationale behind the decision by a process of inductive reasoning.

The accuser discusses the next case at greater length (Din. 1.58–59). Here the Assembly ordered the Areopagus to inquire whether Polyeuc-

[27] These precedents are not listed by Lanni (2004: 168, n. 5) in her collection of passages where precedents are used.

[28] For a more detailed discussion of these cases see Harris 2004a: 7–11.

tus of Cydantidae was meeting with exiles in Megara. After the Areopagus confirmed that he was doing this, accusers were chosen, and Polyeuctus was tried in court. The procedure was probably *eisangelia* and the charge was treason for meeting with those conspiring to overthrow the democracy. Polyeuctus admitted that he was going to Megara but he was going to see Nicophanes, who was married to his mother. The court decided there was nothing wrong with helping his step-father during a difficult period. In other words, the court decided that he may have been meeting with an enemy of Athens (Nicophanes had obviously been convicted of a crime since he was in exile), but he lacked the intent to commit treason. The accuser says that the court did not decide that the report of the Areopagus was false. Quite the opposite, he claims that it reported the truth. But the circumstances surrounding his actions made it clear that he was not guilty of a crime.

The accuser then compares these cases to that of Demosthenes (Din. 1.59–60). First, the accuser argues that in each case no one disputed the veracity of the Areopagus' report so there is no reason to doubt its report about Demosthenes. Second, the actions committed by the defendants in these precedents are not comparable to the crimes of Demosthenes. Their offenses were minor and did not deserve severe penalties; Demosthenes took money to attack the interests of his own country. The accuser notes that for other offenses the penalty is twice the amount of the damage, but for bribery it is either death or ten times the amount of the bribe (Din. 1.60). Once again, we find a close analysis of the similarities and differences between the precedents adduced and the present case. When the differences are too great or the principles applied in the decision are not the same, the speaker concludes that the precedents are not persuasive and should not influence the court's decision. This is not the only place where an orator argues that precedents adduced by his opponent are not relevant: we find a similar close analysis of adverse precedents in Demosthenes' speech *Against Meidias* (21.36–41). Such arguments reveal that the speaker assumes that these precedents would have a powerful influence on the court's decision. It is no wonder then that Anaximenes, when giving advice to speakers in court, recommends that they appeal to precedents ([Arist.] *Rhetorica ad Alexandrum* 1422b20).

But how reliable are the accounts given of previous cases that we find in the orators? Lanni is skeptical: "We cannot accurately assess the depth and the extent of judges' knowledge of previous cases, but the volume of litigation over many decades and the relatively short lifespan

of the average Athenian make it most unlikely that many judges would have an accurate impression of many earlier cases." To justify her skepticism Lanni then refers to Thucydides 1.20 and calls it the "*locus classicus* for the unreliability of Athenian historical memory."[29] Unfortunately, she neglects to mention that Thucydides was writing at the very end of the fifth century and in this passage is discussing what contemporary Athenians remembered about assassination of Hipparchus in 514BCE. By contrast, the orators, when citing precedents, tend to refer to cases that were recent and well known. For instance, Lycurgus, speaking in 331, refers to cases and decrees from 338. When he mentions events from the distant past at 112–122, he is careful to provide written evidence in the form of decrees to back up his statements.[30] When the man who accused Agoratus cited the case of Menestratus, this trial had taken place within the past few years (Lys. 13.55–57). When discussing the *probolê* cases that serve as his precedents, Demosthenes starts with the most recent case (Dem. 21.175–182).

One should also bear in mind that many of these cases came to the attention of the Assembly before they went to court. This means that they were known to virtually everyone in Athens. The *probolê* cases discussed by Demosthenes were initiated in the Assembly and concerned offenses that took place during festivals that were attended by everyone in Athens. The cases that the accuser in Dinarchus' speech *Against Demosthenes* (Din. 1.55–60) discusses must have been public knowledge since they were reported to the Assembly by an *apophasis* of the Areopagus.[31] Other cases will have attracted attention because they were *causes célèbres* and involved heavy fines or the death penalty. And if the cases were private matters settled out of court, a litigant like Meidias could have the parties testify about them before the court (Dem. 21.36–41). In two of the cases in Lysias (Lys. 3.43; 31.34) where the litigant appeals to precedents, he uses examples drawn from the judges' and councillors' own experience. In none of these cases have we any reason to doubt that the judges were not reasonably familiar with the basic facts in each case and with the actual verdicts. Speakers could be selective about what they included in their account of an incident or alter small details (as Demosthenes obviously tried to do in the case of Evander). But they could not invent important events or change the basic

[29] Lanni 2004: 169, n. 21.
[30] The authenticity of these decrees is another question; see Habicht 1961: 22–23.
[31] On the procedure of *apophasis* see de Bruyn 1995: 117–147, 201–204.

facts about well-known actions without jeopardizing their credibility in front of the court. Athens was not a large nation state with a tremendous volume of legal business where few people could keep up with what happened in court and only a small number participated in trials. It was a direct democracy where all male citizens could attend the Assembly and hundreds often sat as judges in the courts. It was also a small community where word of mouth about important events like major trials spread quickly. Thucydides may criticize Athenian misconceptions about events long past, but he also has Pericles state in his Funeral Oration that in their democracy even those who are busy with work are still well informed about public business (Thuc. 2.40.2).

II

In most of the passages that we have examined so far, the speakers do not rely on documents to argue that their interpretation of the law is the standard one. But one should also not underestimate the amount of written materials that could be used to help the courts achieve consistency in their decisions. In *graphê paranomôn* cases there were written copies of previous decrees whose legality had been questioned but then upheld or had been passed without challenge.[32] These could serve as precedents when a decree was challenged and were cited in *graphê paranomôn* cases. And arguments from precedent are not the only way that courts can achieve consistency; litigants and judges can also appeal to the intent of the lawgiver.[33] By this method the courts maintain consistency by basing all interpretation on the aims of the person who created the law. One often finds this kind of argument in the Attic orators, and in most instances the litigant supports his argument with written copies of other laws.

[32] For the procedures followed in *graphê paranomôn* cases see Hansen 1974.

[33] Lanni is aware of this fact: she knows that the legal systems of France and Austria do not follow the doctrine of binding precedent (one could add Denmark) and that in Germany only the decisions of the Federal Constitutional court are binding. But she tends to downplay its implications for our understanding of the Athenian legal system because she wishes to believe that "comparisons with the common law are more fruitful than with the civil law." But her reason for this belief is a strange one: she claims that the latter "is predicated upon an academic legal tradition and professional expertise among judges and practitioners." Does she mean to imply that there is no "academic legal tradition and professional expertise among judges and practitioners" in the common law?

The best illustration of the way previous decrees could be used as precedents in a legal argument is found in Demosthenes' speech *On the Crown*. To understand Demosthenes' arguments in the case, it is first necessary to examine the legal issues at stake. In 336 Ctesiphon proposed a decree of honors for Demosthenes. His rival Aeschines charged that the decree was illegal and immediately brought a *graphê paranomôn* against Ctesiphon.[34] When Aeschines brought his case to court in 330, he made three main charges: 1) Ctesiphon's decree violated the law about awarding honors to magistrates before they had passed their *euthynai* (Aes. 3.9–31); 2) it violated the law about the announcement of awards in the theater of Dionysus (Aes. 3.32–48); and 3) it contained false statements (Aes. 3.49–50). The third charge deals mainly with issues of fact, but the first two involve questions of law. The first charge was based on a law that Aeschines (3.31) quotes and has read out by the clerk: "another law forbids the crowning of an *archê* that is still subject to *euthynai*" (ἕτερος δ' ἀπαγορεύει νόμος ἀρχὴν ὑπεύθυνον μὴ στεφανοῦν), in other words where the magistrate has not yet passed his audit after his term of office. The key term in the statute is *archê*, which can have two meanings. It can mean "magistrate," which is the way Aeschines (Aes. 3.11, 26. Cf. Dem. 39.9; Lys. 9.6) interprets it. It can also mean term of office (e.g. *Ath. Pol.* 56.2; Aes. 3.11), which is the way Demosthenes implicitly interprets the term.[35] This ambiguity about the term may seem trivial, but it has major implications for the meaning and application of the statute. If one takes Aeschines' interpretation, the law banned all decrees of praise for a magistrate who had not yet passed his *euthynai* (audit conducted after a term of office). Yet if we follow the other interpretation, the law only made it illegal to award a crown for a term of office, that is, for the performance of duties attached to an office, before the magistrate passed his *euthynai* for that term of office. If the latter is the correct interpretation, the law bans only one type of decree of commendation prior to the audit, but did not forbid other types of praise for a magistrate while in office, such as a crown for a remarkable achievement, for a generous donation of money, or for a lifetime of public service.

[34] For the political background to the case and Aeschines' reasons for not bringing the case to court until 330 see Harris 1995: 138–142.

[35] For Demosthenes' interpretation of the term see Dem. 18.113, 117 with Harris 2000: 63. Yunis (2001: 174–179) does not realize that Demosthenes is interpreting the term in a different way and therefore misunderstands his legal argument.

What kind of decree had Ctesiphon proposed? Aeschines rather suspiciously does not have Ctesiphon's decree read out during his discussion of the laws about crowns, but only quotes a few words from it later in his speech (3.49–50). But the words he quotes are significant: the decree praised Demosthenes for his excellence and virtue and for continually saying and doing what is best for the people (cf. 237). The only other passage where he quotes from the decree reveals that it also commended Demosthenes for having trenches dug around the walls of Athens (2.236–237). Aeschines recalls how this work resulted in tearing up the public burial grounds, which would place Demosthenes' supervision of the work in late 338, a year before his election to the post of *teichopoios*.[36] Aeschines adds that this is one of several "good deeds" (*euergesiai*) listed in the decree. In his reply Demosthenes (18.113–114) quotes the phrase "constantly does and says what is best for the people" and adds that he was praised for donating a sum of money toward the building of fortifications. These passages show that Ctesiphon's decree did not propose to confer a crown on Demosthenes for his performance in the office of *teichopoios* or as administrator of the Theoric Fund, another post he held at the time (Aes. 3.24). It must have been general commendation for a long record of public service and constant devotion to the city's security and welfare.

Which interpretation of the law was the generally accepted one? In his speech for Ctesiphon, Demosthenes does not simply argue that his own reading of the law is the more logical or straightforward interpretation of the law and leave it at that. He proves that his way of interpreting the law is the standard way of reading it by having the clerk read out several decrees that awarded crowns for Nausicles, Diotimus, Charidemus, and Neoptolemus (Dem. 18.114). All these decrees were passed when these politicians held office, and none was challenged by a *graphê paranomôn*. In other words, Demosthenes cites precedents for his interpretation of the law about crowns to show that Ctesiphon's proposal did not violate the law. The evidence for these precedents came in the form of written documents kept on file in the Metroon. Demosthenes (18.223–224) also recalls that on two earlier occasions, a decree of praise that was exactly similar to that of Ctesiphon was proposed for him and was then indicted on a *graphê paranomôn*. In each case the proposer was acquitted. That makes not one, but six

[36] For the date of this event see Lyc. *Leocr.* 44.

precedents in Demosthenes' favor.[37] And the evidence for every one came in the form of written documents kept in the Metroon.

Demosthenes also cites precedents to support his interpretation of the law when replying to Aeschines' second charge. Aeschines (3.32–47) here relies on the law that made it illegal to announce an award of honors in any place other than the Council or Assembly. Demosthenes (18.120–121), however, cites another law that allowed honors to be announced in the theater of Dionysus as long as the Assembly voted to order it. For Demosthenes this law provided for an exception to the general rule stated in the general law about announcing the award of a crown. Demosthenes points out that many people have in the past had their awards announced in the theater of Dionysus. Here again Demosthenes cites precedents to support his interpretation of the statute. True, Demosthenes does not have any of these decrees read out, but there was no need to: the members of the court had all attended the festival of Dionysus and knew what kinds of announcements were made in the theater.[38] What is important for our purpose is that there did exist written documents that showed there were ample precedents for Demosthenes' interpretation of the law.

The other *graphê paranomôn* case where one of the litigants we are told would cite written records of decrees is the case against Androtion, which Demosthenes composed for the politician Diodorus (Dem. 22). Androtion had proposed that honors be awarded to the Council for its performance during its term of office. Diodorus brought a *graphê paranomôn* on three grounds: 1) the law forbade the Council to ask for an award if it had not had triremes built during its term of office, and the Council had not had triremes built, 2) the Assembly was not allowed to ratify a proposal without a *probouleuma*, and this proposal lacked a *probouleuma*, and 3) Androtion was a male prostitute and thus ineligible to make a proposal in the Assembly. Unlike the *De Corona* case, we only have the speech delivered by the prosecutor here, but Diodorus does inform us that Androtion intended to cite other decrees that are similar to his and were passed by the Assembly without challenge (Dem. 22.6). Since Androtion's speech has not survived, we do not know if he actually had these decrees read out, but it is nonetheless clear that such decrees did exist and could be used as precedents. But

[37] None of these precedents is mentioned or discussed by Lanni 2004.

[38] There is no reason to doubt the existence of these decrees: Gwatkin 1957: 138, n. 57.

what is also interesting is that Diodorus anticipates this argument by claiming that these precedents are irrelevant since they violated the law. What one should pay attention to, he claims, is not these decrees, but the law itself. Of course, his argument assumes that the law cannot be interpreted in another way. But it also reveals that the Athenians did not consider precedents binding, only persuasive.

The use of precedents is not the only way to achieve consistency. One can also appeal to the intent of the lawgiver. For instance, in Civil law countries such as France, Germany, and Austria previous decisions do not have the force of law.[39] In Denmark precedents are only persuasive, not binding.[40] In this regard the legal system of Classical Athens was closer to those of these Civil law countries than it was to Common law countries. To determine the intent of "the lawgiver," (a fictitious figure to some extent, but a fiction that the Athenians believed in) a litigant would cite another law and elicit a general principle from this specific law by a process of inductive reasoning. This principle would then be used to justify the litigant's interpretation of the law that was directly relevant to his case. The best example of this is found in Hyperides' speech *Against Athenogenes*.[41] According to the speaker Epicrates, Athenogenes based his case on the law that made all agreements that one made willingly with another person binding (Hyp. *Ath.* 13). Epicrates however draws attention to the fact that the law also states that unjust agreements are not binding. Since the law does not define the term unjust in this context, Epicrates examines other laws for guidance about how to interpret this term. In the arguments that follow, Epicrates cites a law forbidding lying in the marketplace (14), a law about latent defects in the sale of slaves (15), a law about the status of children in a marriage by solemn pledge (16), the law about wills (17), and a law making masters liable for the damages caused by their slaves (21–22). None of these laws is directly relevant to his case, but Epicrates finds a principle implicit in each law, then applies that principle to his own case.

There are two points to be made here. First, Epicrates, when dealing with a problem of legal interpretation, refers to written texts, which he has the clerk read out. Second, Epicrates uses these written texts to interpret the law about agreements made willingly in a way that is con-

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39 See Lanni 2004: 168, n. 2.

40 I owe this point to Lene Rubinstein.

41 For an analysis of the legal arguments in this speech see Harris 2000: 47–54.

sistent with the perceived intent of other laws about contracts. One can find similar kinds of arguments employed by Demosthenes in his *Against Leptines* (Dem. 20.102–4) and by Aeschines in his *Against Timarchus* (Aes. 1.9–27). In all these speeches the litigants aim to convince the court that their interpretation of the law is consistent with the rest of the Athenian law code and the evidence they draw on is the written texts of the laws.

III

So far we have found that litigants in Athenian courts, when confronted with a legal issue, often appeal to precedents. Although in most cases, they rely not on documents, but on public memory, they are careful to refer to recent or well-known trials. In several cases litigants do cite precedents contained in written documents. Finally, litigants also cite the written texts of other laws to show that their interpretation of statute is consistent with the intent of the lawgiver. From this evidence it should be clear that litigants expected the courts to apply the law consistently and that oral knowledge and written records were sufficient to help the courts pursue this goal. But to what extent did the courts actually achieve consistency?

Lanni claims that litigants rarely used arguments from precedents and further alleges that the Athenians did not keep the kind of documents that would have enabled them to maintain consistency. Finally, she doubts that public memory was reliable enough to serve as an oral archive of past decisions. From these premises, she then infers that the Athenians did not aim to maintain consistency in judging legal issues and tended to decide cases on an *ad hoc* basis. Her view is founded solely on inference since she provides no evidence to support it. But her inference is only as strong as the premises on which it is based, and we have found strong reasons to reject each one of her premises. Yet is there any information that would enable us to determine whether the Athenian courts did make their decisions in a consistent way? It is not easy to find evidence that would allow us to answer this question since our sources are not as informative as we would like them to be. In many cases we do not even know the verdicts rendered in the cases where the speeches of Lysias and Demosthenes were delivered.[42] On

[42] The speeches of Aeschines form an exception since we know the outcome of each of the trials at which his speeches were delivered: in 346 he convicted Timarchus (Dem.

the other hand, the speeches of the Attic orators often do refer to the verdicts in other cases, but they rarely tell us very much about the issues involved in these cases.

There is however one set of trials where we know the verdicts rendered in similar cases. These are the *graphai paranomôn* cases brought against men who proposed honors for Demosthenes. In his speech *On the Crown* Demosthenes (18.223–224) reports that Hyperides and Demomeles proposed exactly the same kind of honors for him as Ctesiphon proposed and also had their decrees challenged by *graphai paranomôn*. In each case the outcome was the same; both Hyperides and Demomeles were acquitted. Yet we also know that Ctesiphon was also acquitted for proposing a decree that was exactly similar to those put forward by Hyperides and Demomeles.[43] In each case the charge was the same, in each case the decree was the same; and in each case the verdict was the same.

There are also three cases where the accuser asks the court to act as "lawgivers" (*nomothetai*) and to apply the law in a new way. As the arguments contained in these speeches make clear, each accuser is asking the court to apply the law in a new way that is without any precedent. The first case is Lysias 14, *Against Alcibiades*, where the accuser charges the defendant with violating the law that required soldiers not to leave their position (*taxis*) because he served in the cavalry when he had been called up to serve in the infantry.[44] This was an unusual reading of the law, which normally applied only to those who left their assigned position in the line during a battle. Had he been convicted he would have lost all citizen rights and been unable to contract a marriage and pass on citizenship to his descendants. Since we know that his descendants were Athenian citizens, it is clear that he was not convicted. In this case, the court, when asked to apply the law in a way that was without precedent, rejected the accuser's charge.

The second case is the *eisangelia* that Lycurgus brought against Leocrates for treason. As we noted in our discussion above, Lycurgus was asking the court to extend the law about *eisangelia* to cover an offense that was not included among those specifically listed in the law. He therefore asks the judges to act as "legislators" by applying the law in a

19.2, 257, 284–285, 287); in 343 he was acquitted when prosecuted by Demosthenes (Aes. 2 *hypoth.*); and in 330 he failed to convict Ctesiphon (see next note).

[43] For the verdict see Harris 1995: 148 with note 61.

[44] For an analysis of the legal issue and the verdict see Harris 2004b: 256–260.

new way (*Leocr.* 9). Aeschines (3.252) says that Leocrates was acquitted, albeit by a narrow margin.[45]

The third case is the one that Mantitheus brought against his half-brother Boeotus for damages (Demosthenes 39). The *dikê blabês* was normally brought when the defendant was charged with causing physical damage to an object owned by the plaintiff or performing a wrongful action, such as a breach of contract that caused loss to the plaintiff.[46] But Mantitheus brought his action because his half-brother was using the same name, which he claimed might cause him inconvenience, if not serious trouble, in the future. Mantitheus virtually admits that he is asking the court to innovate when he asks the court to apply the law in a new way (Dem. 39.40). Here again the plaintiff wants the court to apply the law in a way that is not consistent with previous decisions; here too the plaintiff appears to have lost his case.[47] In all these three cases, the accusers did not have precedents to support their interpretation of the law; in each case the court rejected the charge.

Our examination of arguments based on precedents has shown that litigants believed that the courts were dedicated to achieving consistency in their application of the law. We have also discovered that we should not underestimate the knowledge of the average Athenian about earlier trials gained by personal experience and oral tradition and from the written records available for past decisions. And the little evidence that we do have suggests that they were able to achieve some consistency in the way they interpreted the law. Of course, they did not reach the goal of perfect consistency in all decisions. But then again, no legal system ever does. The important point is that the Athenians were very concerned about consistency and had the oral and written resources to enable them to pursue this aim.

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[45] Sullivan (2002: 1–7) has recently claimed that Aeschines 3.252 should be interpreted to mean that Leocrates was actually convicted, but avoided the death penalty. But see now Bianchi 2002: 83–94, who shows that the traditional interpretation of the passage is correct.

[46] For the charge see Carey and Reid 1985: 166. For an analysis of the legal issue and the verdict, see Harris 2000: 57–59.

[47] See Carey and Reid 1985: 167–168 with Harris 2000: 59.

I would like to thank Craig Cooper for inviting me to present an oral version of this essay to the conference on *Literacy and Orality in the Ancient World VI* in Winnipeg, Canada during July of 2004. I would also like to thank my friend Frederick Naiden for reading over an earlier draft of this essay and offering several good suggestions for improvement.

APPENDIX

Legal Issues vs. Questions of Fact in the Speeches of the Corpus Lysiacum

Lysias 1	fact (Did Euphiletus attempt to entrap Eratosthenes?)
Lysias 2	epideictic speech (not relevant)
Lysias 3	The issue is mainly one of fact (did the defendant initiate violence against), but see 40–43 where the defendant discusses the meaning of the phrase deliberate wounding and appeals to previous cases tried by the Areopagus at 43.
Lysias 4	fact (Did the defendant deliberately wound the accuser?)
Lysias 5	Only a fragment of the speech remains, but the issue appears to have been one of fact and concerns with the reliability of denunciations made by slaves.
Lysias 6	fact (Did Andocides commit impiety?)
Lysias 7	fact (Did the defendant dig up the olive stump?)
Lysias 8	It is not even certain whether this speech was delivered in court.
Lysias 9	There appears to have been a legal issue involved concerning the meaning of the statute that forbids uttering slander about magistrates. The defendant appeals to the decision made by the treasurers in support of his interpretation of the law (7).
Lysias 10	This case centers about the interpretation of the law about slander. The accuser does not appear to have any precedents on his side but argues mainly from his interpretation of other statutes.
Lysias 11	This is a summary of the previous speech.
Lysias 12	fact (Did Eratosthenes act under compulsion when he arrested Polemarchus? and did he object to his execution?)
Lysias 13	This case mainly examines issues of fact (Under what circumstances did Agoratus denounce Dionysodorus and others?), but a legal issue is discussed in 85–87.
Lysias 14	law (Does the law about desertion and leaving one's post apply to Alcibiades?) Here the accuser admits that he is asking the court to act as lawgivers by applying the law to a new category of offenders (4).
Lysias 15	This speech was written for the same case as 14.
Lysias 16	fact (Did Mantitheus serve in the cavalry under the Thirty?)
Lysias 17	fact (Did the plaintiff have a lien on the property of Erasistratus for the unpaid debt of his dead father Eraton?)
Lysias 18	Only the peroration remains, but the defendant at 13–14 cites a previous case similar to the present one where the accuser lost. This case appears however to be cited in support of the defendant's version of the facts.
Lysias 19	fact (Does the defendant hold property belonging to Aristophanes?)

Lysias 20	fact (What did Polystratus do during the regime of the Four Hundred?)
Lysias 21	Only the peroration remains, but the issue appears to have concerned the facts (Did the defendant receive bribes?)
Lysias 22	fact (Did the magistrates grant the grain-dealers permission to buy more than the legal amount of grain?)
Lysias 23	fact (Is Pancleon a Plataean?)
Lysias 24	fact (Is the defendant disabled?)
Lysias 25	fact (Did the defendant support the oligarchy?)
Lysias 26	fact (What did Evander do under the Thirty?)
Lysias 27	fact (Did Epicrates and his fellow-envoys take bribes?)
Lysias 28	fact (Did Ergocles commit extortion?)
Lysias 29	fact (Does Philocrates have Ergocles' money in his possession?)
Lysias 30	fact (How did Nicomachus conduct himself in office?)
Lysias 31	This case is a *dokimasia* and concerns Philon's activities during the Thirty and the way he treated his mother. There may however have been a legal issue since the speaker says the defendant will claim that no existing law condemns what he did under the Thirty (27). The speaker asks the members of the Council to compare their own cases (34). In other words he invites them to consider their own cases and apply the same standard that was used when their own qualifications were examined.
Lysias 32	fact (Did Diogeiton mismanage the orphans' estate?)

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